



# Journal of the House

State of Indiana

118th General Assembly

Second Regular Session

Eleventh Day

Tuesday Afternoon

January 28, 2014

The invocation was offered by Pastor Doug Keenan of the Berean Baptist Church in Albion, the guest of Representative David L. Ober.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative David L. Ober.

The Speaker ordered the roll of the House to be called:

Arnold	Kubacki
Austin	Lawson
Bacon	Lehe
Baird	Lehman
Bartlett	Leonard
Battles	Lucas
Bauer	Lutz
Behning	Macer
Beumer	Mahan
Braun	Mayfield
C. Brown	McMillan
T. Brown	MacNamara
Burton	Messmer
Candelaria Reardon	Moed
Carbaugh	Morris
Cherry	Morrison
Clere	Moseley
Cox	Neese
Culver	Negele
Davisson <input type="checkbox"/>	Niemeyer
DeLaney	Niezgodski
Dermody	Ober
DeVon	Pelath
Dvorak	Pierce
Eberhart	Porter
Errington	Price
Forestal	Pryor
Friend	Rhoads
Frizzell	Richardson
Frye	Riecken
GiaQuinta	Saunders
Goodin <input type="checkbox"/>	Shackleford
Gutwein	Slager
Hale	Smaltz
Hamm	M. Smith
Harman	V. Smith
Harris	Soliday
Heaton	Speedy
Heuer	Stemler <input type="checkbox"/>
Huston	Steuerwald
Karickhoff	Sullivan
Kersey	Summers
Kirchhofer	Thompson
Klinker	Torr
Koch	Truitt

Turner  
Ubelhor  
VanDenburgh  
VanNatter  
Washburne

Wesco  
Wolkins  
Zent  
Ziemke  
Mr. Speaker

Roll Call 68: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, January 29, 2014, at 10:00 a.m.

FRIEND

The motion was adopted by a constitutional majority.

## RESOLUTIONS ON SECOND READING

### House Concurrent Resolution 3

The Speaker handed down on its passage House Concurrent Resolution 3, introduced by Representatives Heaton and Baird:

A CONCURRENT RESOLUTION honoring Sammy Lee Davis.

The resolution was read a second time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Waterman.

## RESOLUTIONS ON FIRST READING

### House Resolution 8

Representative Pryor introduced House Resolution 8:

A HOUSE RESOLUTION honoring the Peace Learning Center.

*Whereas, Concerned about neighborhood and family violence in Indianapolis, believing in the power of cooperation and the peaceful resolution of conflicts, Tim Nation and Charlie Wiles started the Peace Learning Center;*

*Whereas, Since founding the Peace Learning Center in 1997, the center has reached more than 165,000 people locally and nationally;*

*Whereas, This program, which teaches the peaceful resolution of all conflicts, the strength of diversity in a community, the potential of youth, and the responsibility to manage the environment and community resources, has proven so effective that eight United States cities and five countries have replicated and implemented it;*

*Whereas, By working directly with schools, community nonprofits, businesses, juvenile correctional facilities, and faith groups, the Peace Learning Center has evolved into a community education institution that works to teach safe and simple ways to manage anger, solve problems, and develop appreciation for differing perspectives; and*

*Whereas, The Peace Learning Center has received awards from the Indiana Department of Education, the World Council*

*of Churches, the City of Indianapolis, the Niagara Foundation, IUPUI, the Indiana Youth Institute, and the Indianapolis Education Association honoring the work the center does to spread the message that everyone can be a peacemaker: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes the valuable contributions made by the Peace Learning Center and wishes it continued success.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the Peace Learning Center.

The resolution was read a first time and adopted by voice vote.

### **Senate Concurrent Resolution 12**

The Speaker handed down Senate Concurrent Resolution 12, sponsored by Representatives Messmer and VanNatter:

A CONCURRENT RESOLUTION honoring the prodigious entrepreneurial accomplishments and success of Forrest Lucas, and his efforts with Protect the Harvest.

*Whereas, Forrest Lucas was born in Jackson and raised in Jackson, Brown, and Bartholomew counties in Indiana;*

*Whereas, Lucas began his entrepreneurial journey at age eighteen, when he purchased a 1948 Ford dump truck, powered by a '55 Thunderbird engine, to haul dirt and gravel;*

*Whereas, Three years later, Lucas bought a new 1963 Chevrolet C-60 series with a 327 cubic inch gas engine, and signed with Mayflower Moving and Storage, making him the youngest owner-operator in Mayflower's fleet;*

*Whereas, In 1966, Lucas purchased his first diesel truck, thus beginning his move toward owning his own fleet of trucks;*

*Whereas, In 1979, Lucas met and began courting fellow Hoosier and Dubois County resident Charlotte Atkins. The two were married on May 22, 1982;*

*Whereas, By age forty, Lucas had retired from driving and was managing his own small fleet of trucks. Maintenance problems, especially those related to the extreme high temperatures of the Arizona, Nevada, and California deserts, threatened to destroy Lucas' business;*

*Whereas, Always the industrious type, Lucas set out in 1985 to teach himself to make better oils than could be purchased from suppliers for his small fleet of longhaul trucks. Lucas began mixing and matching his own lubricant formulas, and over the next few years, bookkeeping confirmed that maintenance costs had been drastically reduced;*

*Whereas, With the demonstrable success of Lucas' products, he and his wife began marketing their first product, "Heavy Duty Oil Stabilizer," to their trucking friends, whose trucks suffered from the same maintenance problems;*

*Whereas, Sales began to skyrocket as news of the product spread across the United States, and in 1987, Lucas decided to sell the trucking business and concentrate exclusively on making better oil. He and his wife took to the road to market the fledgling line of newly formulated oil products to truck stops and independent auto parts stores;*

*Whereas, In 1989, Forrest and Charlotte Lucas incorporated their growing company, and Lucas Oil Products, Inc. was born;*

*Whereas, Lucas Oil Products, Inc. expanded at an incredible rate, growing out of its original manufacturing facilities in California. In 2004, the company completed work on a new,*

*much larger production facility in Corydon, Indiana;*

*Whereas, Lucas Oil Products, Inc. has continued to grow, and now produces and markets over 272 unique formulations in more than thirty-four countries, and is the world leader in high performance lubricants and problem solving additives;*

*Whereas, Lucas Oil's expansion has not been limited to oil and lubricants, but has also included Lucas Oil Rail Lines, the Team Lucas motorsports sponsorship program, a television production studio, acquisition of the cable network MAVTV, an eighteen hole championship golf course, multiple speedways, including the first ever purpose-built lake for drag boat racing, Lucas Oil Cattle Company, and the naming rights to the home of the Indianapolis Colts and Super Bowl XLVI: Lucas Oil Stadium;*

*Whereas, Forrest and Charlotte Lucas have been generous stewards of their success, sponsoring and contributing to numerous philanthropic interests and charities that reach out to children, the elderly, racers, car enthusiasts, public safety groups, local and state governments, animal-related relief groups, and many more; and*

*Whereas, The Lucas family have been integrally involved with Protect the Harvest, an organization whose mission it is to inform American consumers, businesses and decision-makers about the potential consequences of legislation concerning farming, sportsmen, and animal owners; to protect freedoms for farmers, sportsmen, and animal owners, and respond to attacks on such freedoms: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Forrest and Charlotte Lucas and Lucas Oil Products, Inc. on the enormity of their success.

SECTION 2. That the Indiana General Assembly honors Forrest and Charlotte Lucas for their numerous contributions to local communities and individuals all across the United States.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Forrest Lucas and Lucas Oil Products, Inc.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

## **REPORTS FROM COMMITTEES**

### **COMMITTEE REPORT**

Mr. Speaker: Your Select Committee on Government Reduction, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-10-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Cancellation and Reissue of Warrants Outstanding More Than Two Years)."

Page 1, delete lines 10 through 14, begin a new paragraph and insert:

"SECTION 3. IC 4-20.5-6-9.4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 9-4. The department and the office of the secretary of family and social services shall establish policies that prohibit the construction of fences and bleachers on real property that is part of the Evansville State Hospital. This section applies to real property used either by:~~

(1) Evansville State Hospital for recreational purposes; or

(2) an entity using part of the property of the hospital with the permission of the hospital.

SECTION 4. IC 4-20.5-7-2.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. See: 2-5: (a) This section applies to real property that is part of Evansville State Hospital.

(b) The transfer of real property of Evansville State Hospital must include a provision that no fences or bleachers may be constructed on the real property being transferred. The deed transferring real property must include a provision that the real property reverts to the state if bleachers or fences are constructed on the real property."

Page 2, delete lines 1 through 17.

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 6. IC 5-2-6.1-12, AS AMENDED BY P.L.161-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Except as provided in sections 13 through 15 of this chapter, the following persons are eligible for assistance under this chapter:

(1) A resident of Indiana who is a victim of a violent crime committed:

(A) in Indiana; or

(B) in a jurisdiction other than Indiana, including a foreign country, if the jurisdiction in which the violent crime occurs does not offer assistance to a victim of a violent crime that is substantially similar to the assistance offered under this chapter.

(2) A nonresident of Indiana who is a victim of a violent crime committed in Indiana.

(3) A surviving spouse or dependent child of a victim of a violent crime who died as a result of that crime.

(4) Any other person legally dependent for principal support upon a victim of a violent crime who died as a result of that crime.

(5) A person who is injured or killed while trying to prevent a violent crime or an attempted violent crime from occurring in the person's presence or while trying to apprehend a person who had committed a violent crime.

(6) A surviving spouse or dependent child of a person who dies as a result of:

(A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person; or

(B) trying to apprehend a person who had committed a violent crime.

(7) A person legally dependent for principal support upon a person who dies as a result of:

(A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person; or

(B) trying to apprehend a person who had committed a violent crime.

(8) A person who is injured or killed while giving aid and assistance to:

(A) a law enforcement officer in the performance of the officer's lawful duties; or

(B) a member of a fire department who is being obstructed from performing lawful duties.

(9) A law enforcement agency or person that owns a law enforcement animal that is permanently disabled or killed as a result of a violation of IC 35-46-3-11.

SECTION 7. IC 5-2-6.1-21.1, AS AMENDED BY P.L.161-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21.1. (a) This section applies to claims filed with the division after June 30, 2009.

(b) This subsection does not apply to reimbursement for forensic and evidence gathering services provided under section 39 of this chapter.

(c) An award may not be made unless the claimant has

incurred an out-of-pocket loss of at least one hundred dollars (\$100).

(d) Subject to subsections (b) and (c), the division may order the payment of compensation under this chapter for any of the following:

(1) Reasonable expenses incurred within one hundred eighty (180) days after the date of the violent crime for necessary:

(A) medical, chiropractic, hospital, dental, optometric, and ambulance services;

(B) prescription drugs; and

(c) prosthetic devices;

that do not exceed the claimant's out-of-pocket loss.

(2) Loss of income:

(A) the victim would have earned had the victim not died or been injured, if the victim was employed at the time of the violent crime; or

(B) the parent, guardian, or custodian of a victim who is less than eighteen (18) years of age incurred by taking time off from work to care for the victim.

A claimant seeking reimbursement under this subdivision must provide the division with proof of employment and current wages.

(3) Reasonable emergency shelter care expenses, not to exceed the expenses for thirty (30) days, that are incurred for the claimant or a dependent of the claimant to avoid contact with a person who committed the violent crime.

(4) Reasonable expense incurred for child care, not to exceed one thousand dollars (\$1,000), to replace child care the victim would have supplied had the victim not died or been injured.

(5) Loss of financial support the victim would have supplied to legal dependents had the victim not died or been injured.

(6) Documented expenses incurred for funeral, burial, or cremation of the victim that do not exceed five thousand dollars (\$5,000). The division shall disburse compensation under this subdivision in accordance with guidelines adopted by the division.

(7) Outpatient mental health counseling, not to exceed three thousand dollars (\$3,000), concerning mental health issues related to the violent crime.

~~(8) As compensation for a law enforcement animal that is permanently disabled or killed as a result of a violation of IC 35-46-3-11, the cost of replacing the animal, which may include the cost of training the animal.~~

~~(9)~~ (8) Other actual expenses related to bodily injury to or the death of the victim that the division determines are reasonable.

(e) If a health care provider accepts payment from the division under this chapter, the health care provider may not require the victim to pay a copayment or an additional fee for the provision of services.

(f) A health care provider who seeks compensation from the division under this chapter may not simultaneously seek funding for services provided to a victim from any other source.

(g) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for a period not to exceed two (2) years after the date of the violent crime if:

(1) the victim or the victim's representative requests the extension; and

(2) medical records and other documentation provided by the attending medical providers indicate that an extension is appropriate.

(h) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for outpatient mental health counseling, established by subsection (d)(7), if the victim:

(1) was allegedly a victim of a sex crime (under

IC 35-42-4) or incest (under IC 35-46-1-3);

(2) was under eighteen (18) years of age at the time of the alleged crime; and

(3) did not reveal the crime within two (2) years after the date of the alleged crime.

SECTION 8. IC 5-2-6.1-22, AS AMENDED BY P.L.161-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) The state is subrogated to the rights of the victim ~~or claimant~~ to whom an award is granted to the extent of the award.

(b) The subrogation rights are against the perpetrator of the crime or a person liable for the pecuniary loss.

(c) If the victim ~~or claimant~~ initiates a civil action against the perpetrator of the crime or against the person liable for the pecuniary loss, the victim ~~or claimant~~ shall promptly notify the division of the filing of the civil action.

SECTION 9. IC 5-2-6.1-23, AS AMENDED BY P.L.161-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) In addition to the subrogation rights under section 22 of this chapter, the state is entitled to a lien in the amount of the award on a recovery made by or on behalf of the victim ~~or claimant~~.

(b) The state may:

(1) recover the amount under subsection (a) in a separate action; or

(2) intervene in an action brought by or on behalf of the victim ~~or claimant~~.

(c) If the claimant brings the action, the claimant may deduct from the money owed to the state under the lien the state's pro rata share of the reasonable expenses for the court suit, including attorney's fees of not more than fifteen percent (15%).

SECTION 10. IC 5-2-6.1-26, AS AMENDED BY P.L.161-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) If an application is complete, the division shall accept the application for filing and investigate the facts stated in the application.

(b) As part of the investigation, the division shall verify that:

(1) a

~~(A) violent crime or~~

~~(B) crime under IC 35-46-3-11, for purposes of compensation payable under section 12(9) of this chapter;~~

was committed;

(2) the victim was killed or suffered bodily injury as a result of the crime; ~~or, for a crime under IC 35-46-3-11, a law enforcement animal was permanently disabled or killed;~~

(3) the requirements of sections 13, 16(a), 16(b), 17, 18, and 19 of this chapter are met; and

(4) out-of-pocket loss exceeded one hundred dollars (\$100).

SECTION 11. IC 5-2-6.1-32, AS AMENDED BY P.L.161-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 32. (a) The division shall reduce an award made under this chapter by the amount of benefits received or to be received from the following sources if those benefits result from or are in any manner attributable to the bodily injury or death upon which the award is based:

(1) Benefits from public or private pension programs, including Social Security benefits.

(2) Benefits from proceeds of an insurance policy.

(3) Benefits under IC 22-3-2 through IC 22-3-6.

(4) Unemployment compensation benefits.

(5) Benefits from other public funds, including Medicaid and Medicare.

Compensation must be further reduced or denied to the extent that the claimant's loss is recouped from other collateral sources.

(b) The division shall further reduce an award under this chapter by the following:

(1) The amount of court ordered restitution actually received by the victim ~~or claimant~~ from the offender.

(2) Benefits actually received by the victim ~~or claimant~~ from a third party on behalf of the offender.

(c) The division shall determine whether the victim ~~or claimant~~ vigorously pursued recovery against available collateral sources described in this section.

(d) If the division finds that a victim ~~or claimant~~ has failed to pursue an applicable collateral source of recovery, the division shall reduce or deny an award under this section by the amount that is available to the victim ~~or claimant~~ through the collateral source.

(e) A claimant must exhaust any paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time accrued through an employer before applying for benefits. The division may not reimburse the victim ~~or claimant~~ for the use of paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time.

SECTION 12. IC 5-2-6.1-34, AS AMENDED BY P.L.161-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. (a) In determining the amount of the award, the division shall determine whether the victim ~~(or law enforcement animal; in an application described in section 12(9) of this chapter)~~ contributed to the infliction of the victim's injury or death.

(b) If the division finds that the victim ~~(or law enforcement animal; in an application described in section 12(9) of this chapter)~~ contributed to the infliction of the victim's injury or death, the division may deny an award.

(c) If the division further finds that the victim's contributory conduct was solely attributable to an effort to:

(1) prevent a crime from occurring; or

(2) apprehend a person who committed a crime;

**in the victim's presence, the victim's contributory conduct does not render the victim ~~or claimant~~ ineligible for compensation."**

Page 4, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 14. IC 6-8.1-10-1, AS AMENDED BY P.L.211-2007, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) If a person fails to file a return for any of the listed taxes, fails to pay the full amount of tax shown on the person's return by the due date for the return or the payment, or incurs a deficiency upon a determination by the department, the person is subject to interest on the nonpayment.

(b) The interest for a failure described in subsection (a) is the adjusted rate established by the commissioner under subsection (c), from the due date for payment. The interest applies to:

(1) the full amount of the unpaid tax due if the person failed to file the return;

(2) the amount of the tax that is not paid, if the person filed the return but failed to pay the full amount of tax shown on the return; or

(3) the amount of the deficiency.

(c) The commissioner shall establish an adjusted rate of interest for a failure described in subsection (a) and for an excess tax payment on or before November 1 of each year. For purposes of subsection (b), the adjusted rate of interest shall be the percentage rounded to the nearest whole number that equals two (2) percentage points above the average investment yield on state **general fund** money for the state's previous fiscal year, excluding pension fund investments, as determined by the treasurer of state on or before October 1 of each year and reported to the commissioner. For purposes of IC 6-8.1-9-2(c), the adjusted rate of interest for an excess tax payment must be the same as the adjusted rate of interest determined under this subsection for a failure described in subsection (a). The adjusted rates of interest established under this subsection shall take

effect on January 1 of the immediately succeeding year.

(d) For purposes of this section, the filing of a substantially blank or unsigned return does not constitute a return.

(e) Except as provided by IC 6-8.1-3-17(c) and IC 6-8.1-5-2, the department may not waive the interest imposed under this section.

(f) Subsections (a) through (c) do not apply to a motor carrier fuel tax return."

Page 12, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 30. IC 9-24-8-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 6: In addition to any other penalty, the bureau:

(1) shall revoke the motorcycle learner's permit of a person who is convicted of operating a motorcycle under the influence of alcohol; and

(2) may not issue a motorcycle learner's permit or motorcycle endorsement to a person referred to in subdivision (1) for at least (1) year after the date of the person's conviction:".

Page 13, delete lines 6 through 40, begin a new paragraph and insert:

"SECTION 32. IC 9-30-4-1, AS AMENDED BY P.L.85-2013, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Upon any reasonable ground appearing on the records of the bureau **and specified in rules adopted under subsection (b)**, the bureau may do the following:

(1) Suspend or revoke the current driving privileges or driver's license of any person.

(2) Suspend or revoke the certificate of registration and license plate for any motor vehicle.

**(b) The bureau shall adopt rules under IC 4-22-2 to specify reasonable grounds for suspension or revocation permitted under subsection (a)."**

Page 15, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 35. IC 12-15-21-3, AS AMENDED BY P.L.8-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The rules adopted under section 2 of this chapter must include the following:

(1) Providing for prior review and approval of medical services.

(2) Specifying the method of determining the amount of reimbursement for services.

(3) Establishing limitations that are consistent with medical necessity concerning the amount, scope, and duration of the services and supplies to be provided. The rules may contain limitations on services that are more restrictive than allowed under a provider's scope of practice (as defined in Indiana law).

(4) Denying payment or instructing the contractor under IC 12-15-30 to deny payment to a provider for services provided to an individual or claimed to be provided to an individual if the office after investigation finds any of the following:

(A) The services claimed cannot be documented by the provider.

(B) The claims were made for services or materials determined by licensed medical staff of the office as not medically reasonable and necessary.

(C) The amount claimed for the services has been or can be paid from other sources.

(D) The services claimed were provided to a person other than the person in whose name the claim is made.

(E) The services claimed were provided to a person who was not eligible for Medicaid.

(F) The claim rises out of an act or practice prohibited by law or by rules of the secretary.

(5) Recovering payment or instructing the contractor under IC 12-15-30-3 to recover payment from a provider for services rendered to an individual or claimed to be rendered to an individual if the office after investigation finds any of the following:

(A) The services paid for cannot be documented by the provider.

(B) The amount paid for such services has been or can be paid from other sources.

(C) The services were provided to a person other than the person in whose name the claim was made and paid.

(D) The services paid for were provided to a person who was not eligible for Medicaid.

(E) The paid claim rises out of an act or practice prohibited by law or by rules of the secretary.

(6) Recovering interest due from a provider:

(A) at a rate that is the percentage rounded to the nearest whole number that equals the average investment yield on state money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report; and

(B) accruing from the date of overpayment;

on amounts paid to the provider that are in excess of the amount subsequently determined to be due the provider as a result of an audit, a reimbursement cost settlement, or a judicial or an administrative proceeding.

(7) Paying interest to providers:

(A) at a rate that is the percentage rounded to the nearest whole number that equals the average investment yield on state **general fund** money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report; and

(B) accruing from the date that an overpayment is erroneously recovered by the office until the office restores the overpayment to the provider.

(8) Establishing a system with the following conditions:

(A) Audits may be conducted by the office after service has been provided and before reimbursement for the service has been made.

(B) Reimbursement for services may be denied if an audit conducted under clause (A) concludes that reimbursement should be denied.

(C) Audits may be conducted by the office after service has been provided and after reimbursement has been made.

(D) Reimbursement for services may be recovered if an audit conducted under clause (C) concludes that the money reimbursed should be recovered."

Page 16, delete lines 37 through 42.

Page 17, delete lines 1 through 5.

Page 20, delete lines 18 through 21.

Page 29, delete lines 34 through 42.

Page 30, delete lines 1 through 34.

Page 31, delete lines 4 through 42.

Page 32, delete lines 1 through 23.

Page 32, delete line 42.

Delete pages 33 through 39.

Page 40, delete lines 1 through 24.

Page 42, line 10, reset in roman "one (1) of".

Page 42, line 10, reset in roman "boards,".

Page 42, line 10, delete "board,".

Page 42, delete lines 13 through 42.

Delete page 43.

Page 44, delete lines 1 through 17.

Delete pages 50 through 52.

Page 53, delete lines 1 through 3, begin a new paragraph and insert:

"SECTION 80. IC 13-23-11-2 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The board consists of the following ~~sixteen (16)~~ **nine (9)** members:

- (1) The commissioner or the commissioner's designee.
- ~~(2) The state fire marshal or the state fire marshal's designee.~~
- ~~(3) The (2) One (1) member nominated by the treasurer of state or the treasurer of state's designee: in consultation with~~
- ~~(4) the commissioner of the department of state revenue, or the commissioner's designee.~~
- ~~(5) Twelve (12) individuals appointed by the governor for terms of two (2) years as follows:~~
  - ~~(A) (3) One (1) member representing the independent petroleum wholesale distributor-marketer industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.~~
  - ~~(B) (4) One (1) member representing the petroleum refiner-supplier industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum council.~~
  - ~~(C) One (1) member representing the service station dealer industry who owns or operates less than thirteen (13) underground petroleum storage tanks.~~
- ~~(D) (5) One (1) member of the financial lending community who has experience with loan guaranty programs.~~
- ~~(E) (6) One (1) member representing the convenience store operator industry or independent petroleum retail distributor-marketer industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.~~
- ~~(F) (7) One (1) member representing environmental interests.~~
- ~~(G) (8) One (1) member representing local government.~~
- ~~(H) Two (2) members representing the general public:~~
  - ~~(1) One (1) member representing the independent petroleum retail distributor marketer industry who owns or operates more than twelve (12) underground petroleum storage tanks.~~
  - ~~(2) One (1) member representing businesses that own petroleum underground storage tanks and are not engaged in the sale of petroleum.~~
- ~~(K) (9) One (1) member representing the property and casualty insurance industry.~~

**(b) The governor shall appoint the members specified in subsection (a)(2) through (a)(9) for terms of two (2) years.**

SECTION 81. IC 13-23-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The board must have a quorum to transact business. ~~Nine (9)~~ **Five (5)** members constitute a quorum.

(b) An affirmative vote of the majority of members present is required for the board to take action.

(c) The board shall meet upon:

- (1) the request of the chairperson; or
- (2) the written request of three (3) of the board's members.

(d) A meeting must be held not later than fourteen (14) days after a request is made."

Page 56, delete lines 8 through 42.

Page 57, delete lines 1 through 2.

Page 57, delete lines 31 through 42.

Page 58, delete lines 1 through 36.

Page 59, delete lines 24 through 42.

Page 60, delete lines 1 through 31.

Page 74, delete lines 24 through 25.

Page 75, delete lines 10 through 12, begin a new paragraph and insert:

"SECTION 125. IC 34-28-7-2, AS AMENDED BY P.L.114-2012, SECTION 66, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Notwithstanding any other law and except as provided in subsection (b), a person may not adopt or enforce an ordinance, a resolution, a policy, or a rule that:

- (1) prohibits; or
- (2) has the effect of prohibiting;

an employee of the person, including a contract employee, from possessing a firearm or ammunition that is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle, or stored out of plain sight in the employee's locked vehicle.

(b) Subsection (a) does not prohibit the adoption or enforcement of an ordinance, a resolution, a policy, or a rule that prohibits or has the effect of prohibiting an employee of the person, including a contract employee, from possessing a firearm or ammunition:

- ~~(1) in or on school property; in or on property that is being used by a school for a school function; or on a school bus in violation of IC 20-33-8-16 or IC 35-47-9-2;~~

~~(2) (1) on the property of:~~

- ~~(A) a child caring institution;~~
- ~~(B) an emergency shelter care child caring institution;~~
- ~~(C) a private secure facility;~~
- ~~(D) a group home;~~
- ~~(E) an emergency shelter care group home; or~~
- ~~(F) a child care center;~~

in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470 IAC 3-4.7-19;

~~(3) (2) on the property of a penal facility (as defined in IC 35-31.5-2-232);~~

~~(4) (3) in violation of federal law;~~

~~(5) (4) in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b));~~

~~(6) (5) on the property of a domestic violence shelter;~~

~~(7) (6) at a person's the employer's residence;~~

~~(8) (7) on the property of a person that is:~~

- ~~(A) subject to the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards issued April 9, 2007; and~~
- ~~(B) licensed by the United States Nuclear Regulatory Commission under Title 10 of the Code of Federal Regulations;~~

~~(9) (8) on property owned by:~~

- ~~(A) a public utility (as defined in IC 8-1-2-1) that generates and transmits electric power; or~~
- ~~(B) a department of public utilities created under IC 8-1-11.1; or~~

~~(10) (9) in the employee's personal vehicle if the employee, including a contract employee, is a direct support professional who:~~

- ~~(A) works directly with individuals with developmental disabilities to assist the individuals to become integrated into the individuals' community or least restrictive environment; and~~
- ~~(B) uses the employee's personal vehicle while transporting an individual with developmental disabilities.~~

SECTION 126. IC 35-47-9-1, AS AMENDED BY P.L.172-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter does not apply to the following:

(1) A:

- (A) federal;
- (B) state; or
- (C) local;

law enforcement officer.

(2) A person who may legally possess a firearm and who has been authorized by:

- (A) a school board (as defined by IC 20-26-9-4); or
- (B) the body that administers a charter school established under IC 20-24;

to carry a firearm in or on school property.

(3) A person who:

- (A) may legally possess a firearm; and
- (B) possesses the firearm in a motor vehicle that is being operated by the person to transport another person to or from a school or a school function.

(4) A person who is a school resource officer, as defined in IC 20-26-18.2-1.

(5) A person who:

- (A) may legally possess a firearm; and

(B) possesses a firearm that is:

- (i) locked in the trunk of the person's motor vehicle;
- (ii) kept in the glove compartment of the person's locked motor vehicle; or
- (iii) stored out of plain sight in the person's locked motor vehicle."

Renumber all SECTIONS consecutively.

(Reference is to HB 1005 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

WOLKINS, Chair

Report adopted.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### Reassignments

The Speaker announced the reassignment of House Bill 1005, as amended, on to the Committee on Rules and Legislative Procedures.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1009, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 8.

Page 1, line 11, delete "35-33-5-18" and insert "35-33-5-15".

Page 9, line 12, delete "A" and insert "Except as provided in subsection (e), a".

Page 9, between lines 39 and 40, begin a new paragraph and insert:

"(e) A law enforcement officer may use a tracking device without a warrant to obtain evidence relevant to the enforcement of statutes, rules, and regulations if the law enforcement officer determines that the use of the tracking device is required due to:

- (1) the existence of exigent circumstances necessitating a warrantless search; or
- (2) the substantial likelihood of a terrorist attack."

Page 10, line 4, delete "person." and insert "person if the law enforcement officer does not have the consent of the other person to place the camera or electronic surveillance equipment on the other person's private property."

Page 10, line 33, after "procedures." insert "However, a law enforcement officer may use a tracking device without a warrant if the law enforcement officer determines that the use of the tracking device is required due to:

- (1) the existence of exigent circumstances necessitating a warrantless search; or
- (2) the substantial likelihood of a terrorist attack."

Page 11, delete lines 22 through 42.

Delete page 12.

Page 13, delete lines 1 through 25.

Page 13, line 26, delete "35-33-5-17" and insert "35-33-5-14".

Page 13, line 28, delete "17." and insert "14."

Page 13, line 28, delete "Any" and insert "Except as provided in subsection (d), any".

Page 13, line 32, delete "(c)," and insert "(c) or (d)".

Page 13, line 33, delete "sections 13 and 14" and insert "section 13".

Page 13, between lines 41 and 42, begin a new paragraph and insert:

"(d) Electronic mail owned, controlled, or used by the state and obtained by the office of inspector general or an investigator for the inspector general is admissible in an administrative proceeding even if the electronic mail is obtained or admitted in violation of:

(1) subsection (b); or

(2) section 13 of this chapter."

Page 13, line 42, delete "35-33-5-18" and insert "35-33-5-15".

Page 14, line 2, delete "18." and insert "15".

Page 14, delete lines 7 through 16, begin a new paragraph and insert:

"SECTION 30. IC 35-33-5-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 16. (a) For purposes of IC 34-46-4 (Journalist's Privilege Against Disclosure of Information Source) and subject to subsection (b), if:**

(1) a governmental entity requests that a court issue a search warrant to a provider of:

(A) electronic communication service; or

(B) remote computing service; and

(2) the search warrant seeks information or communications concerning a news media entity or a person otherwise described in IC 34-46-4-1;

the news media entity or person described in IC 34-46-4-1 shall be given reasonable and timely notice of the search warrant request and shall be given an opportunity to be heard by the court concerning the issuance of the search warrant before the search warrant is issued.

(b) If:

(1) the search warrant that would be issued to a provider described in subsection (a)(1) concerns a criminal investigation in which the news media entity or person described in IC 34-46-4-1 is a target of the criminal investigation; and

(2) the notice that would be provided to the news media entity or person described in IC 34-46-4-1 under subsection (a) would pose a clear and substantial threat to the integrity of the criminal investigation;

the governmental entity shall certify the threat to the court and notice of the search warrant shall be given to the news media entity or person described in IC 34-46-4-1 as soon as the court determines that the notice no longer poses a clear and substantial threat to the integrity of the criminal investigation."

Page 15, line 10, after "warrant" insert "or the consent of the owner of private property as provided".

Page 16, line 17, after "vehicles," insert "including a governmental entity,".

Page 16, line 23, after "property," insert "including a governmental entity,".

Page 16, between lines 24 and 25, begin a new line block indented and insert:

"(14) A law enforcement officer, if the law enforcement officer determines that the use of the tracking device is required due to:

(A) the existence of exigent circumstances necessitating a warrantless search; or

**(B) the substantial likelihood of a terrorist attack."**

Page 16, after line 27, begin a new paragraph and insert:

"SECTION 34. [EFFECTIVE JULY 1, 2014] **(a) The general assembly urges the legislative council to assign to a study committee during the 2014 legislative interim the topic of digital privacy, including issues related to:**

- (1) searches of electronic devices;**
- (2) compelling the disclosure of electronic user data;**
- (3) the collection and use of geolocation information; and**
- (4) the collection and use of biometric information;**

**by government agencies.**

**(b) If a study committee is assigned the topic described in subsection (a), the study committee shall issue to the legislative council a final report containing the study committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2014.**

**(c) This SECTION expires January 1, 2015."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1009 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 1.

MCMILLIN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Judiciary, to which was referred House Bill 1014, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1014 as introduced.)

Committee Vote: Yeas 9, Nays 0.

WASHBURN, Vice Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1019, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 11. IC 14-20-15-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 8. The department of natural resources shall staff the commission.~~"

Renumber all SECTIONS consecutively.

(Reference is to HB 1019 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

EBERHART, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1033, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 4. IC 5-3-1-0.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 0.7. (a) As used in this chapter, "qualified publication" means a publication that:

- (1) is published daily, weekly, semiweekly, or triweekly;

- (2) is of general circulation to the public;

- (3) has been published for at least three (3) consecutive years in the same city or town;

- (4) has continuity as to title and general nature of content from issue to issue;

- (5) contains news of general or community interest, community notices, or editorial commentary;

- (6) contains advertisements from unrelated advertisers in each issue;

- (7) has, in more than one-half (1/2) of its issues published during the previous twelve (12) month period, not more than seventy-five percent (75%) advertising content;

- (8) has a known office location in the county in which it is published; and

- (9) has been entered, authorized, and accepted by the United States Postal Service as mailable matter of standard mail (A) class for the time published.

(b) A publication is not a qualified publication if any of the following apply:

- (1) The publication is owned by, or under the control of, the owners or lessees of a shopping center or a merchant's association.

- (2) The publication is owned by, or under the control of, a business that sells property or services (other than advertising) and the predominant advertising in the publication is advertising for the business's sales of property or services.

- (3) The publication is a mail order catalog or other catalog, advertising flier, travel brochure, house organ, theater program, telephone directory, restaurant guide, shopping center advertising sheet, or other similar publication.

- (4) The publication is primarily devoted to matters of specialized interest such as a labor, fraternal, society, political, religious, sporting, or trade news publication or journal.

- (5) The publication is a magazine, racing form, or tip sheet.

**(c) For purposes of determining whether a political subdivision may publish notice in a qualified publication under this chapter, the publication must be delivered by the United States Postal Service to a majority of the households located in the political subdivision."**

Page 21, delete lines 10 through 42.

Page 22, delete lines 1 through 13.

Renumber all SECTIONS consecutively.

(Reference is to HB 1033 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

MAHAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1046, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-12-25.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 25.2. (a) This section applies in a county in which an ordinance adopted under subsection (c) is in effect in the county for assessment dates occurring:**

- (1) after the date on which the county fiscal body adopts an ordinance under subsection (c); and**

- (2) before the date on which the county fiscal body**

rescinds an ordinance previously adopted under subsection (c).

(b) The following definitions apply throughout this section:

(1) "Eligible applicant" means:

(A) an owner of an eligible mortise and tenon barn; or

(B) a person that is purchasing property, including an eligible mortise and tenon barn, under a contract that:

(i) gives the person a right to obtain title to the property upon fulfilling the terms of the contract;

(ii) does not permit the owner to terminate the contract as long as the person buying the property complies with the terms of the contract;

(iii) specifies that during the term of the contract the person must pay the property taxes on the property; and

(iv) has been recorded with the county recorder.

(2) "Eligible mortise and tenon barn" means a barn that:

(A) is located in a county to which this section applies;

(B) was built using heavy wooden timbers, joined together with wood-pegged mortise and tenon joinery, that form an exposed structural frame;

(C) was originally placed in service for an agricultural purpose before 1936; and

(D) has, on an assessment date, substantially the same size, design, and construction as the original structure.

(c) A county fiscal body may adopt an ordinance to provide a deduction against the assessed value of eligible mortise and tenon barns in the county in accordance with this section. If a county fiscal body adopts an ordinance under this subsection, the county fiscal body shall furnish a copy of the ordinance to the department in the manner prescribed by the department.

(d) An ordinance adopted under subsection (c) may require an eligible applicant to pay an annual public safety fee in an amount that:

(1) equals or exceeds one hundred dollars (\$100); and

(2) does not exceed five hundred dollars (\$500);

for each eligible mortise and tenon barn for which the eligible applicant receives a deduction under this section. The county auditor shall distribute any public safety fees collected under this section equitably among the police and fire departments in whose territories each eligible mortise and tenon barn is located.

(e) An eligible applicant is entitled to a deduction against the assessed value of the structure and foundation of an eligible mortise and tenon barn for assessments to which this section applies. The deduction is equal to one hundred percent (100%) of the assessed value of the structure and foundation of the eligible mortise and tenon barn.

(f) An eligible applicant that desires to obtain the deduction provided by this section must file a certified deduction application with the auditor of the county in which the eligible mortise and tenon barn is located. The application may be filed in person or by mail. The application must contain the information and be in the form prescribed by the department of local government finance. If mailed, the mailing must be postmarked on or before the last day for filing.

(g) Subject to subsection (h) and section 45 of this chapter, the application must be filed during the year preceding the year in which the deduction will first be applied. Upon verification of the application by the county assessor of the county in which the property is subject to assessment or by the township assessor of the township in

which the property is subject to assessment (if there is a township assessor for the township), the auditor of the county shall allow the deduction.

(h) The auditor of a county to which this section applies shall, in a particular year, apply the deduction provided under this section to the eligible mortise and tenon barn of the owner that received the deduction in the preceding year unless the auditor of the county determines that the property is no longer eligible for the deduction. A person that receives a deduction under this section in a particular year and that remains eligible for the deduction in the following year is not required to file an application for the deduction in the following year. A person that received a deduction under this section in a particular year and that becomes ineligible for the deduction in the following year shall notify the auditor of the county in which the property is located of the ineligibility in the year in which the person becomes ineligible. A deduction under this section terminates following a change in ownership of the eligible mortise and tenon barn. However, a deduction under this section does not terminate following the removal of less than all the joint owners of the property or purchasers of the property under a contract described in subsection (b)."

Delete page 2.

Page 3, delete lines 1 through 5.

Renumber all SECTIONS consecutively.

(Reference is to HB 1046 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 15, nays 2.

T. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1050, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 9, delete ""special" and insert ""individual with special".

Page 2, line 9, after "means" insert "an individual who:

(1) has a developmental disability (as defined by IC 12-7-2-61);

(2) is determined to be a child with a disability (as defined by IC 20-35-1-2); or

(3) has".

(Reference is to HB 1050 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

EBERHART, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Local Government, to which was referred House Bill 1052, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1052 as introduced.)

Committee Vote: Yeas 8, Nays 0.

NEESE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Natural Resources, to which was referred House Bill 1053, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1053 as introduced.)  
Committee Vote: Yeas 7, Nays 0.

EBERHART, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1071, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE JANUARY 1, 2015]".

Page 2, line 15, delete "2013" and insert "2014".

Page 2, line 16, delete "2017" and insert "2018".

Page 2, delete line 17.

Renumber all SECTIONS consecutively.

(Reference is to HB 1071 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 15, nays 0.

T. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1074, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 13, delete "one percent (1%)." and insert "**a percentage, as applicable, equal to:**

**(I) one percent (1%), if the member retired after December 31, 1994;**

**(ii) two percent (2%), if the member retired after December 31, 1982, and before January 1, 1995;**  
**or**

**(iii) three percent (3%), if the member retired before January 1, 1983."**

Page 3, line 17, delete "one percent (1%)." and insert "**a percentage, as applicable, equal to:**

**(I) one percent (1%), if the member retired after December 31, 1994;**

**(ii) two percent (2%), if the member retired after December 31, 1982, and before January 1, 1995;**  
**or**

**(iii) three percent (3%), if the member retired before January 1, 1983."**

Page 4, line 24, delete "one percent (1%)." and insert "**a percentage, as applicable, equal to:**

**(I) one percent (1%), if the member retired after December 31, 1994;**

**(ii) two percent (2%), if the member retired after December 31, 1982, and before January 1, 1995;**  
**or**

**(iii) three percent (3%), if the member retired before January 1, 1983."**

Page 4, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "trustee" has the meaning set forth in IC 10-12-1-10.**

**(b) As used in this SECTION, "trust fund" has the meaning set forth in IC 10-12-1-11.**

**(c) Not later than October 1, 2014, the trustee shall pay from the trust fund to each employee beneficiary of the state police pre-1987 benefit system covered by IC 10-12-3 who:**

- (1) retired or was disabled before July 2, 2013; and**
- (2) is entitled to receive a monthly benefit as of**

**September 1, 2014;**

**an amount equal to one percent (1%) of the maximum basic annual pension amount payable to a retired state police employee in the grade of trooper who has completed twenty (20) years of service as of July 1, 2014, as calculated under IC 10-12-3-7.**

**(d) The amount paid under this SECTION is not an increase in the monthly pension amount of an employee beneficiary.**

**(e) This SECTION expires January 1, 2015."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1074 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

GUTWEIN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Judiciary, to which was referred House Bill 1076, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1076 as introduced.)

Committee Vote: Yeas 9, Nays 0.

STEUERWALD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1083, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 25 through 42, begin a new paragraph and insert:

"SECTION 4. IC 20-33-3-28, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. **(a) A child who is at least sixteen (16) years of age and less than seventeen (17) years of age may work until 11 p.m. on a night followed by a school day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office.**

**(b) A child who is at least seventeen (17) years of age and less than eighteen (18) years of age may work until 11:30 p.m. on nights that are followed by a school day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office. A child covered by this section subsection may work until 1 a.m. the following day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office. However, the nights followed by a school day on which a child works until 1 a.m. the following day may not be consecutive and may not exceed two (2) nights per week.**

SECTION 5. IC 20-33-3-35, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. The department of labor shall prohibit a child who is less than eighteen (18) years of age from working in an occupation designated as hazardous by the child labor provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), **except when the child is working for the child's parent or a person standing in the place of the child's parent on a farm owned or operated by the parent or person."**

Delete pages 3 through 4.

Page 5, delete lines 1 through 17.

Renumber all SECTIONS consecutively.

(Reference is to HB 1083 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 4.

GUTWEIN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1097, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 11 and 12, begin a new line block indented and insert:

**"(3) The person provides the person:**

**(A) receiving health care services; or**

**(B) responsible for the care of the person receiving health care services;**

**prior to the rendering of health care services, notice that the person who provides voluntary health care services is not liable for any act or omission, unless the act or omission is the result of gross negligence or willful or wanton misconduct, related to the provision of health care services described in this section."**

(Reference is to HB 1097 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 5, nays 4.

WASHBURN, Vice Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1141, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

**"SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.85-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The institute is established to do the following:**

**(1) Evaluate state and local programs associated with:**

**(A) the prevention, detection, and solution of criminal offenses;**

**(B) law enforcement; and**

**(C) the administration of criminal and juvenile justice.**

**(2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.**

**(3) Stimulate criminal and juvenile justice research.**

**(4) Develop new methods for the prevention and reduction of crime.**

**(5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.**

**(6) Administer victim and witness assistance funds.**

**(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.**

**(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.**

**(9) Serve as the criminal justice statistical analysis center for this state.**

**(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.**

**(11) Administer the application and approval process for designating an area of a consolidated or second class city**

**as a public safety improvement area under IC 36-8-19.5.**  
**(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.**

**(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.**

**(14) (13) Develop and manage the gang crime witness protection program established by section 21 of this chapter.**

**(15) (14) Identify grants and other funds that can be used to fund the gang crime witness protection program.**

**(16) (15) Administer any sexual offense services.**

**(17) (16) Administer domestic violence programs.**

**(18) (17) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.**

**(19) (18) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.**

**(20) (19) Administer the family violence and victim assistance fund under IC 5-2-6.8.**

**SECTION 1. IC 5-2-6-19, AS ADDED BY P.L.186-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) As used in this section, "institute" "department" refers to the Indiana criminal justice institute established by section 3 of this chapter: state police department.**

**(b) As used in this section, "property" refers to a structure or part of a structure that is used as a home, residence, or sleeping unit.**

**(c) Subject to specific appropriation by the general assembly, the institute department shall establish, maintain, and operate a web site containing a list of properties that have been used as the site of a methamphetamine laboratory. The list of properties shall be based on information received from a law enforcement agency under IC 5-2-15-3.**

**(d) Subject to specific appropriation by the general assembly, and in accordance with subsections (h) and (i); the institute department shall publish the list of properties that have been used as the site of a methamphetamine laboratory on a web site maintained by the institute department. The institute department shall design the web site to enable a user to easily determine whether a particular property has been used as the site of a methamphetamine laboratory. The web site shall be referred to as the "methamphetamine laboratory web site".**

**(e) The institute department shall remove a listed property from the web site ninety (90) days after the property has been certified as decontaminated by an inspector approved under IC 13-14-1-15, or not more than two (2) years after the date the methamphetamine laboratory was seized by a law enforcement agency.**

**(f) Notwithstanding subsection (e); if property has been certified as decontaminated by an inspector approved under IC 13-14-1-15 before it is placed on the list required under subsection (e); the institute may not place the property on the list.**

**(g) Records concerning a listed property that has been removed from the web site under subsection (e) are confidential.**

**(h) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The institute may not list a rental unit that has been used as the site of a methamphetamine laboratory on the web site until the later of the following:**

**(1) Thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory; if the owner or operator of the rental property has not provided documentation to the institute showing:**

(A) that the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and

(B) that the owner or operator has begun the process of decontaminating the property;

(2) If the owner or operator of the rental unit provides the documentation described in subdivision (1)(A) and (1)(B) not later than thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory; one hundred eighty (180) days after the date on which the institute receives information from a law enforcement agency that the rental unit has been the site of a methamphetamine laboratory;

However, if the owner or operator provides documentation to the institute within the appropriate time period described in subdivision (1) or (2) that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory, the institute may not list the property on the web site:

(1) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The institute shall remove a rental unit listed on the web site not more than five (5) days after receiving documentation from the owner or operator of the rental property that:

(1) the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and

(2) that the owner or operator has begun the process of decontaminating the property;

The institute shall relist the rental unit on the web site not less than one hundred fifty (150) days after receiving documentation described in subdivisions (1) and (2); unless the owner or operator of the rental property provides documentation to the institute that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory."

Page 1, line 7, delete "a report" and insert "an approved certificate of cleanup from the department of environmental management".

Page 1, line 12, delete "thirty (30)" and insert "ninety (90)".

Page 2, line 18, delete ", in accordance with guidelines adopted by the state police" and insert "notify the".

Page 2, delete line 19.

Page 2, run in lines 18 through 20.

Page 3, line 3, delete "; or"

Page 3, delete lines 4 through 7.

Page 3, line 9, delete "." and insert "; or".

Page 3, run in lines 3 through 9.

Page 3, between lines 9 and 10, begin a new line double block indented and insert:

**"(B) manufacture of methamphetamine or dumping of waste from the manufacture of methamphetamine in a residential structure on the property."**

Re-number all SECTIONS consecutively.

(Reference is to HB 1141 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

MAHAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1145, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as

follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE JULY 1, 2015]".

(Reference is to HB 1145 as printed January 17, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 15, nays 0.

T. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities and Energy, to which was referred House Bill 1162, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-8.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) As a condition for receiving the certificate required under section 2 of this chapter, the applicant shall file an estimate of construction, purchase, or lease costs in such detail as the commission may require.

(b) The commission shall hold a public hearing on each such application. **The commission may consider all relevant information related to construction, purchase, or lease costs.** A certificate shall be granted only if the commission has:

(1) made a finding as to the best estimate of construction,

purchase, or lease costs based on the evidence of record;

(2) made a finding that either:

(A) the construction, purchase, or lease will be consistent with the commission's plan (or such part of the plan as may then be developed, if any) for expansion of electric generating capacity; or

(B) the construction, purchase, or lease is consistent with a utility specific proposal submitted under section 3(e) of this chapter and approved under subsection (d). However, if the commission has developed, in whole or in part, a plan for the expansion of electric generating capacity and the applicant has filed and the commission has approved under subsection (d) a utility specific proposal submitted under section 3(e) of this chapter, the commission shall make a finding under this clause that the construction, purchase, or lease is consistent with the commission's plan, to the extent developed, and that the construction, purchase, or lease is consistent with the applicant's plan under section 3(e) of this chapter, to the extent the plan was approved by the commission;

(3) made a finding that the public convenience and necessity require or will require the construction, purchase, or lease of the facility; **and**

(4) made a finding that the facility, if it is a coal-consuming facility, utilizes Indiana coal or is justified, because of economic considerations or governmental requirements, in using non-Indiana coal; **and**

**(5) made the findings under subsection (e), if applicable.**

(c) If:

(1) the commission grants a certificate under this chapter based upon a finding under subsection (b)(2) that the construction, purchase, or lease of a generating facility is consistent with the commission's plan for the expansion of electric generating capacity; and

(2) a court finally determines that the commission plan is invalid;

the certificate shall remain in full force and effect if the certificate was also based upon a finding under subsection (b)(2)

that the construction, purchase, or lease of the facility was consistent with a utility specific plan submitted under section 3(e) of this chapter and approved under subsection (d).

(d) The commission shall consider and approve, in whole or in part, or disapprove a utility specific proposal or an amendment thereto jointly with an application for a certificate under this chapter. However, such an approval or disapproval shall be solely for the purpose of acting upon the pending certificate for the construction, purchase, or lease of a facility for the generation of electricity.

(e) **This subsection applies if an applicant proposes to construct a facility with a generating capacity of more than eighty (80) megawatts. Before granting a certificate to the applicant, the commission:**

(1) **must, in addition to the findings required under subsection (b), find that the estimated costs of the proposed facility are, to the extent commercially practicable, the result of competitively bid engineering, procurement, or construction contracts, as applicable; and**

(2) **shall also consider the following factors:**

(A) **Reliability.**

(B) **Solicitation by the applicant of competitive bids to obtain purchased power capacity and energy from alternative suppliers.**

**The applicant, including an affiliate of the applicant, may participate in competitive bidding described in this subsection.**

(Reference is to HB 1162 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 2.

KOCH, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1171, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 23, delete "The" and insert **"Except as provided in section 10.2 of this chapter, the"**.

Page 3, line 25, delete ";" and insert ";".

Page 3, line 25, delete "including administrative and".

Page 3, delete line 26.

Page 3, run in lines 25 through 27.

Page 5, after line 4, begin a new paragraph and insert:  
**"SECTION 2. IC 36-2-7-10.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10.2. (a) As used in this section, "fund" refers to the county recorder's records perpetuation fund established under section 10(d) of this chapter.**

**(b) A county recorder may pay all or a portion of the expenses of the county recorder's office for the following calendar year from the fund only if the county recorder submits to the county fiscal body a sworn statement that:**

**(1) the current revenue to the fund is sufficient to fulfill the statutory purpose of the fund;**

**(2) the technology of the county recorder's office is presently updated and at a level to sufficiently meet the statutory purposes of the fund and the county recorder's office;**

**(3) the fund has a sufficient reserve, consistent with the recorder's plan, to capitalize the next technology or other records management upgrade necessary to fulfill the statutory purpose of the fund and the county recorder's office; and**

**(4) the county recorder specifically requests that all or**

**a specific, identifiable portion of the fund be used to pay the expenses of the county recorder's office for the following calendar year.**

**(c) Upon receiving the county recorder's sworn statement, the county fiscal body may adopt an ordinance approving the county recorder's request. If the ordinance is adopted, the county fiscal body shall, if specifically requested by the recorder for the following calendar year, approve sufficient money from the fund. The county fiscal body may not approve any more money from the fund for any purpose in excess of that requested by the county recorder.**

**(d) A county recorder's request and the county fiscal body's approval are valid for only the following calendar year. The requirements of this section must be met for each calendar year."**

(Reference is to HB 1171 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

NEESE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1196, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "the applicable public" and insert **"IC 5-16"**.

Page 1, line 8, delete "works statute".

Page 1, line 8, delete "the particular" and insert **"a state educational institution"**.

Page 1, line 9, delete "public agency".

Page 1, delete lines 13 through 16.

Page 2, delete lines 1 through 4.

Page 2, line 5, delete "3." and insert **"2."**.

Page 2, line 7, delete "4." and insert **"3."**.

Page 2, line 9, delete "5." and insert **"4."**.

Page 2, line 10, delete "6." and insert **"5."**.

Page 2, line 17, after "phases." insert **"However, the CMC may not procure the project professional architectural and engineering design services. The state educational institution must directly contract for the services of the architect and engineer of record."**

Page 2, line 19, delete "quality analysis." and insert **"analysis of qualifications of first tier subcontractors."**

Page 2, line 23, delete "7." and insert **"6."**.

Page 2, line 25, delete "8." and insert **"7."**.

Page 2, line 28, delete "9." and insert **"8."**.

Page 2, line 30, delete "10." and insert **"9."**.

Page 2, line 32, delete "11." and insert **"10."**.

Page 2, line 34, delete "12." and insert **"11."**.

Page 2, line 36, delete "13." and insert **"12."**.

Page 2, line 38, delete "public agency" and insert **"state educational institution"**.

Page 2, line 40, delete "a road, highway, or bridge unless" and insert **"roads, highways, bridges, or potable water or wastewater infrastructure."**

Page 2, delete lines 41 through 42.

Page 3, delete lines 1 through 4.

Page 3, line 5, delete "15." and insert **"13."**.

Page 3, line 6, delete "public agency" and insert **"state educational institution"**.

Page 3, line 9, delete "A public agency" and insert **"If a state educational institution chooses to use the procedures set forth in this article when performing a public works project, the state educational institution"**.

Page 3, line 11, delete "public agency" and insert **"state**

**educational institution".**

Page 3, line 13, delete "the applicable public works" and insert "**IC 5-16.**".

Page 3, delete line 14.

Page 3, line 33, delete "public agency" and insert "**state educational institution**".

Page 3, line 34, delete "public agency" and insert "**state educational institution**".

Page 3, line 41, delete "public agency" and insert "**state educational institution**".

Page 3, line 42, delete "public agency" and insert "**state educational institution**".

Page 4, line 6, delete "if" and insert "**as**".

Page 4, line 12, delete "public agency" and insert "**state educational institution**".

Page 4, line 14, delete "public agency" and insert "**state educational institution**".

Page 4, line 18, delete "public agency" and insert "**state educational institution**".

Page 4, line 21, delete "public agency" and insert "**state educational institution**".

Page 4, line 25, delete "public agency" and insert "**state educational institution**".

Page 4, line 30, delete "public agency" and insert "**state educational institution**".

Page 4, line 32, delete "any other" and insert "**IC 5-16.**".

Page 4, delete line 33.

Page 5, line 13, delete "public agency." and insert "**state educational institution.**".

Page 5, line 29, delete "public agency." and insert "**state educational institution.**".

Page 5, line 33, delete "public agency." and insert "**state educational institution.**".

Page 5, between lines 33 and 34, begin a new paragraph and insert:

**"Sec. 5. (a) Except as provided in subsection (b), a bid is a public record subject to public inspection under IC 5-14-3.**

**(b) A bid is not subject to inspection and copying under IC 5-14-3 until a contract has been awarded or the solicitation of bids has been canceled."**

Page 5, line 35, delete "public" and insert "**state educational institution,**".

Page 5, line 36, before "approved" delete "agency,".

Page 5, line 36, delete "public agency," and insert "**state educational institution,**".

Page 6, line 6, delete "public agency" and insert "**state educational institution**".

Page 6, line 11, delete "public agency." and insert "**state educational institution.**".

Page 6, line 12, delete "public agency," and insert "**state educational institution,**".

(Reference is to HB 1196 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 4.

GUTWEIN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1204, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 5, after "guardian," delete "guardian".

Page 2, line 6, delete "ad litem,".

Page 2, line 9, after "principal" insert "**or school leader**".

Page 2, line 9, delete "." and insert "**without charge.**".

Page 2, line 15, delete ":" and insert "**or school leader:**".

Page 2, line 33, after "superintendent" insert "**or school**

**leader**".

Page 2, line 36, delete "." and insert "**and shall not violate a student's right to a free and appropriate public education under federal law.**".

Page 2, strike lines 37 through 40.

Page 2, line 41, strike "(c)" and insert "**(b)**".

Page 3, strike lines 7 through 8.

Page 3, line 9, delete "(d)" and insert "**(c)**".

Page 3, line 10, after "superintendent" insert "**or school leader**".

Page 3, line 38, delete "district (as defined in)".

Page 3, line 39, delete "IC 36-1-2-17)" and insert "**in Indiana**".

Page 4, delete lines 12 through 15, begin a new line block indented and insert:

**"(1) an injury to a child or the family members of a child if the injury is a result of a student's mental health issue that has not been disclosed to the school by the parents or guardian; or"**

(Reference is to HB 1204 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1211, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 13, strike "one thousand five hundred dollars (\$1,500)," and insert "**two thousand dollars (\$2,000),**".

Page 17, between lines 4 and 5, begin a new paragraph and insert:

**"SECTION 2. IC 6-8-1-3-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. Before January 1 of each year, the department shall make the following information available electronically through the Indiana transparency Internet web site established under IC 5-14-3.5:**

**(1) The percentage of the most recent adjustments made under IC 6-3-1-3.5(f) to the exemption amounts under IC 6-3-1-3.5(a)(3) through IC 6-3-1-3.5(a)(5).**

**(2) The dollar amount of the most recent adjustments made under IC 6-3-1-3.5(f) to the exemption amounts under IC 6-3-1-3.5(a)(3) through IC 6-3-1-3.5(a)(5).**

**(3) The amount of money by which an individual taxpayer's Indiana adjusted gross income tax liability is reduced after applying the applicable tax rate under IC 6-3-2-1 to the most recently adjusted exemption amounts under IC 6-3-1-3.5(a)(3) through IC 6-3-1-3.5(a)(5).**

**(4) The taxable years to which the most recent adjustments made under IC 6-3-1-3.5(f) to the exemption amounts under IC 6-3-1-3.5(a)(3) through IC 6-3-1-3.5(a)(5) apply."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1211 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 0.

T. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1213, has had the same under consideration

and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 13, after "the" insert **"requirements for a"**.

Page 2, line 20, delete "A" and insert **"The requirements for a"**.

Page 2, line 22, delete "and".

Page 2, line 25, delete "." and insert **"; and"**.

Page 2, between lines 25 and 26, begin a new line block indented and insert:

**"(3) meet the college and career readiness education standards adopted by the state board under IC 20-19-2-14.5(c)."**

Page 2, line 29, delete "the state board shall" and insert **"the commission for higher education shall make recommendations to the state board and the state board must"**.

Page 2, between lines 30 and 31, begin a new paragraph and insert:

**"SECTION 2. IC 20-30-10-4, AS ADDED BY P.L.185-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Each high school must provide at least two (2) of each of the following course offerings: to high school students who qualify to enroll in the courses:**

**(1) Dual credit.**

**(2) Advanced placement.**

**SECTION 3. IC 21-43-4-15, AS AMENDED BY P.L.268-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) Except as provided in subsection (b), a student is entitled to receive postsecondary credit toward meeting the degree requirements at the eligible institution offering a postsecondary enrollment opportunity upon the student's successful completion of a course.**

**(b) This subsection applies to a course taught in a high school setting in which a student enrolls after June 30, 2014. A student must achieve at least the equivalent of a 2.0 on a 4.0 unweighted grading scale, as established by the eligible institution, in order for the student to receive postsecondary credit for the course: enroll in subsequent related dual credit course work in the same subject area. If the student achieves less than the equivalent of a 2.0 on a 4.0 unweighted grading scale, as established by the eligible institution, the dual credit teacher shall not submit the grade for the dual credit course to the eligible institution."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1213 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1215, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 10 through 16, begin a new paragraph and insert:

**"SECTION 2. IC 4-4-37 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:**

#### **Chapter 37. Historic Preservation Grant Program**

**Sec. 1. This chapter applies to a state fiscal year beginning after June 30, 2015.**

**Sec. 2. (a) As used in this chapter, "preservation" means the application of measures to sustain the form, integrity, and material of:**

**(1) a building or structure; or**

**(2) the form and vegetative cover of property.**

**(b) The term includes stabilization work and the maintenance of historic building materials.**

**Sec. 3. As used in this chapter, "office" refers to the office of rural and community affairs established by IC 4-4-9.7-4.**

**Sec. 4. (a) As used in this chapter, "qualified expenditures" means expenditures for preservation or rehabilitation that are chargeable to a capital account.**

**(b) The term does not include costs that are incurred to do the following:**

**(1) Acquire a property or an interest in a property.**

**(2) Pay taxes due on a property.**

**(3) Enlarge an existing structure.**

**(4) Pay realtor's fees associated with a structure or property.**

**(5) Pay paving and landscaping costs.**

**(6) Pay sales and marketing costs.**

**Sec. 5. As used in this chapter, "rehabilitation" means the process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving the parts or features of the property that are significant to the historical, architectural, or archeological values of the property.**

**Sec. 6. (a) The office may award a grant to a person in the year in which the person completes the preservation or rehabilitation of historic property and obtains the certifications required under section 7 of this chapter.**

**(b) The maximum amount of a grant awarded under this section is equal to twenty percent (20%) of the qualified expenditures that:**

**(1) the person makes for the preservation or rehabilitation of historic property; and**

**(2) are approved by the office.**

**Sec. 7. The office may award a grant to a person if all of the following conditions are met:**

**(1) The historic property is:**

**(A) located in Indiana;**

**(B) at least fifty (50) years old; and**

**(C) owned by the person.**

**(2) The office certifies that the historic property is listed in the register of Indiana historic sites and historic structures.**

**(3) The office certifies that the taxpayer submitted a proposed preservation or rehabilitation plan to the division that complies with the standards of the division.**

**(4) The office certifies that the preservation or rehabilitation work that is the subject of the grant substantially complies with the proposed plan referred to in subdivision (3).**

**(5) The preservation or rehabilitation work is completed in not more than:**

**(A) two (2) years; or**

**(B) five (5) years if the preservation or rehabilitation plan indicates that the preservation or rehabilitation is initially planned for completion in phases.**

**The time in which work must be completed begins when the physical work of construction or destruction in preparation for construction begins.**

**(6) The historic property is:**

**(A) actively used in a trade or business;**

**(B) held for the production of income; or**

**(C) held for the rental or other use in the ordinary course of the taxpayer's trade or business.**

**(7) The qualified expenditures for preservation or rehabilitation of the historic property exceed ten thousand dollars (\$10,000).**

**Sec. 8. The office may provide the certifications referred to in section 7(3) and 7(4) of this chapter if a taxpayer's**

proposed preservation or rehabilitation plan complies with the standards of the office and the taxpayer's preservation or rehabilitation work complies with the plan.

**Sec. 9. The total amount of grants awarded under this chapter in a particular state fiscal year may not exceed the amount appropriated by the general assembly to the office for making grants under this chapter in that state fiscal year."**

Page 2, delete lines 1 through 12.

Page 2, delete lines 18 through 42.

Delete pages 3 through 6.

Page 7, delete lines 1 through 4, begin a new paragraph and insert:

"SECTION 4. IC 6-3.1-16-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. A taxpayer qualifies for a credit under section 7 of this chapter if all of the following conditions are met:

- (1) The historic property is:
  - (A) located in Indiana;
  - (B) at least fifty (50) years old; and
  - (c) except as provided in section 7(c) of this chapter, owned by the taxpayer.
- (2) The ~~division office~~ certifies that the historic property is listed in the register of Indiana historic sites and historic structures.
- (3) The ~~division office~~ certifies that the taxpayer submitted a proposed preservation or rehabilitation plan to the ~~division office~~ that complies with the standards of the ~~division office~~.
- (4) The ~~division office~~ certifies that the preservation or rehabilitation work that is the subject of the credit substantially complies with the proposed plan referred to in subdivision (3).
- (5) The preservation or rehabilitation work is completed in not more than:

- (A) two (2) years; or
- (B) five (5) years if the preservation or rehabilitation plan indicates that the preservation or rehabilitation is initially planned for completion in phases.

The time in which work must be completed begins when the physical work of construction or destruction in preparation for construction begins.

- (6) The historic property is:
  - (A) actively used in a trade or business;
  - (B) held for the production of income; or
  - (c) held for the rental or other use in the ordinary course of the taxpayer's trade or business.
- (7) The qualified expenditures for preservation or rehabilitation of the historic property exceed ten thousand dollars (\$10,000)."

Page 7, delete lines 28 through 42.

Delete page 8.

Page 9, delete lines 1 through 20, begin a new paragraph and insert:

"SECTION 8. IC 6-3.1-16-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) The amount of tax credits allowed under this chapter may not exceed:

- (1) seven hundred fifty thousand dollars (\$750,000) in the state fiscal year beginning July 1, 1997, and the state fiscal year beginning July 1, 1998; ~~and~~
- (2) four hundred fifty thousand dollars (\$450,000) in a state fiscal year that begins July 1, 1999, or thereafter; ~~after June 30, 1999, and ends before July 1, 2015; and~~
- (3) zero dollars (\$0) in a state fiscal year that begins after June 30, 2015.

(b) Notwithstanding the other provisions of this chapter, the office may not provide the certifications referred to in section 8 of this chapter for a qualified expenditure made after June 30, 2015. However, this section may not be

construed to prevent a taxpayer from carrying an unused tax credit attributable to a qualified expenditure made before July 1, 2015, forward to a taxable year beginning after December 31, 2015, in the manner provided by section 13 of this chapter."

Page 9, delete lines 27 through 32.

Page 9, line 33, delete "IC 6-3.1-16-17" and insert "IC 6-3.1-16-16".

Page 9, line 35, delete "17." and insert "16".

Renumber all SECTIONS consecutively.

(Reference is to HB 1215 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 5.

T. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1216, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 13, delete "This subdivision applies only to a commitment that is".

Page 3, line 14, delete "made after June 30, 2014."

Page 3, line 20, delete "at" and insert "**after considering the recommendation of the municipal plan commission certified to the legislative body after**".

Page 3, line 20, delete "after" and insert "**held by the plan commission in accordance with the commission's rules.**".

Page 3, delete line 21.

Page 3, line 22, delete "municipal legislative body."

Page 3, line 23, delete "legislative body" and insert "**plan commission**".

Page 5, line 28, delete "Decisions" and insert "**Notwithstanding subsection (b)(2), a decision**".

Page 5, line 29, delete "are considered zoning decisions" and insert "**is not considered a zoning decision**".

Page 5, line 30, delete "are" and insert "**is not**".

Page 6, after line 16, begin a new line block indented and insert:

**"(8) Certifying a recommendation, or modifying or terminating a commitment, under section 1015(b)(10) of this chapter.**

SECTION 3. IC 36-7-4-1112 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1112. (a) This section applies to any municipality that proposes to make zoning changes for an area:

(1) that the municipality is proposing to annex under IC 36-4-3; and

(2) that is not already within the municipality's planning and zoning jurisdiction under this chapter.

(b) The plan commission of the municipality may give notice, hold a public hearing, and certify a zoning change to the legislative body of the municipality under section 602 of this chapter before the expected effective date of the proposed annexation. In addition, the zoning change may be considered by the legislative body and duly adopted before the expected effective date of the proposed annexation. However, the zoning change must provide for an effective date that is on or after the effective date of the proposed annexation.

(c) Subject to subsection (b), section 602(b) of this chapter applies to the initiation of any proposals to amend or partially repeal the text of the municipal zoning ordinance as it may apply to the area proposed to be annexed.

(d) Subject to subsection (b), section 602(c) of this chapter applies to the initiation of any zone map changes for the area proposed to be annexed in the same manner as it

applies to the initiation of zone map changes for an area that is already within the municipality's planning and zoning jurisdiction.

(e) If the proposed annexation by the municipality does not take place under IC 36-4-3, the adoption of a zoning change under this section is void.

(f) The board of zoning appeals of the municipality may adopt rules, in accordance with IC 36-7-4-916, to allow hearings to be heard on applications for variances, special exceptions, special uses, contingent uses, and conditional uses in the area proposed to be annexed before the expected effective date of the proposed annexation. However, the rules must require that any approval of such an application provide for an effective date that is on or after the effective date of the proposed annexation. If the proposed annexation by the municipality does not take place under IC 36-4-3, any action taken by the board under this subsection is void.

(g) Nothing in this section is intended to supersede:

(1) IC 36-4-3-4.1 regarding the annexation of any territory that is classified for zoning purposes as agricultural; or

(2) IC 36-7-4-1109 regarding property rights."

(Reference is to HB 1216 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

NEESE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Government and Regulatory Reform, to which was referred House Bill 1229, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1229 as introduced.)

Committee Vote: Yeas 7, Nays 5.

MAHAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1231, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 12, delete "one" and insert "**five-tenths**".

Page 2, line 12, delete "(1%)," and insert "**(0.5%),**".

Page 2, line 14, delete "two" and insert "**one**".

Page 2, line 14, delete "(2%)," and insert "**(1%),**".

Page 2, line 16, delete "three" and insert "**one and five-tenths**".

Page 2, line 16, delete "(3%)," and insert "**(1.5%),**".

Page 3, line 28, delete "one" and insert "**five-tenths**".

Page 3, line 28, delete "(1%)," and insert "**(0.5%),**".

Page 3, line 30, delete "two" and insert "**one**".

Page 3, line 30, delete "(2%)," and insert "**(1%),**".

Page 3, line 32, delete "three" and insert "**one and five-tenths**".

Page 3, line 32, delete "(3%)," and insert "**(1.5%),**".

Page 4, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 3. IC 10-12-3-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) Subject to subsection (c), the basic monthly pension amount (plus postretirement increases) payable after June 30, 2014, to an employee beneficiary of the state police pre-1987 benefit system who retired or was disabled before July 2, 2013, and**

**who had at least twenty (20) years of service, shall be increased by one percent (1%) of the total of both the employee beneficiary's monthly pension amount, as calculated under section 7 of this chapter, and any supplemental benefit amount that the employee beneficiary receives under IC 10-12-5.**

**(b) The increases specified in this section:**

**(1) must be based on the date of the employee beneficiary's latest retirement or disability;**

**(2) do not apply to the benefits payable in a lump sum; and**

**(3) are in addition to any other increase provided by law, subject to subsection (c).**

**(c) If in 2014 a supplemental benefit under IC 10-12-5 is paid based on an increase in the sixth year trooper salary in 2014, an employee beneficiary shall receive the greater of:**

**(1) the increase in the supplemental benefit to which the employee beneficiary would be entitled without regard to this section as a result of an increase in the sixth year trooper salary in 2014; or**

**(2) the increase payable under this section."**

Page 4, line 19, delete "one" and insert "**seventy-five hundredths**".

Page 4, line 19, delete "(1%)" and insert "**(0.75%)**".

Page 4, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 4. IC 10-12-5-3, AS AMENDED BY P.L.5-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. (a) The pension advisory board that administers the pension under IC 10-12-3 shall direct and supervise the supplemental benefits provided in this chapter.**

**(b) The pension advisory board shall:**

**(1) annually provide a schedule showing the number of retirees receiving pension benefits under IC 10-12-3; and**

**(2) meet at least one (1) time each year to add to the regular pension benefit or annuity and any previously granted supplemental benefit the amount described in subsection (c) or (d).**

**(c) This subsection applies only to a retiree who is eligible for the first time under section 2 of this chapter to receive a supplemental benefit. The supplemental benefit referred to in subsection (b)(2) for a retiree in the first year the retiree is eligible for a supplemental benefit is the sum of:**

**(1) the difference between:**

**(A) the retiree's pension benefit; and**

**(B) the pension benefit:**

**(I) received by an employee retiring in that year from the department with twenty (20) years of active service; and**

**(ii) computed on the day the pension advisory board meets as required under subsection (b)(2); plus**

**(2) any amount computed under subsection (d) after the date the retiree reaches fifty-five (55) years of age.**

**(d) This subsection applies to a retiree who is eligible under section 2 of this chapter to receive a supplemental benefit, but whose supplemental benefit is not computed under subsection (c). The supplemental benefit referred to in subsection (b)(2) is equal to fifty percent (50%) of the difference between:**

**(1) the pension benefits to be received by an employee retiring from the department with twenty (20) years of active service the day after a change in the monthly wage received by a police employee in the grade of trooper at the beginning of the trooper's sixth year of service; and**

**(2) the pension benefit received by an employee retiring from the department with twenty (20) years of active service the day before a change in the monthly wage received by a police employee in the grade of trooper at the beginning of the trooper's sixth year of service.**

**(e) If in 2014 a supplemental benefit is paid under this**

section based on an increase in 2014 of the monthly wage of a police employee in the grade of trooper at the beginning of the trooper's sixth year of service, an employee beneficiary shall receive the greater of:

(1) the increase in the supplemental benefit to which the employee beneficiary would be entitled under this section without regard to IC 10-12-3-8 as a result of an increase in the monthly wage of a police employee in the grade of trooper at the beginning of the trooper's sixth year of service; or

(2) the increase payable under IC 10-12-3-8."

Delete pages 5 through 6.

Page 7, delete lines 1 through 16.

Re-number all SECTIONS consecutively.

(Reference is to HB 1231 as printed January 16, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 0.

T. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1234, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-26-1-5, AS AMENDED BY P.L.132-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. As used in this article, "system" refers to the Indiana statewide wireless public safety voice and data communications system. The term does not include an enhanced emergency telephone system under IC 36-8-16-2 (before its repeal on July 1, 2012), ~~or the statewide 911 system under IC 36-8-16.7, or an emergency communications service system operated by Hendricks County under IC 36-8-24.~~"

Page 1, delete lines 1 through 16.

Delete pages 2 through 7.

Page 8, delete lines 1 through 34.

Page 11, delete lines 26 through 42.

Delete pages 12 through 31.

Page 32, delete lines 1 through 10.

Page 43, delete lines 8 through 42.

Delete page 44.

Page 45, delete lines 1 through 23, begin a new paragraph and insert:

"SECTION 28. IC 6-3.5-1.1-25, AS AMENDED BY P.L.261-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) As used in this section, "public safety" refers to the following:

(1) A police and law enforcement system to preserve public peace and order.

(2) A firefighting and fire prevention system.

(3) Emergency ambulance services (as defined in IC 16-18-2-107).

(4) Emergency medical services (as defined in IC 16-18-2-110).

(5) Emergency action (as defined in IC 13-11-2-65).

(6) A probation department of a court.

(7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:

(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other

correctional services instead of a final action described in clause (B) or (c);

(B) convicted of a crime; or

(c) adjudicated as a delinquent child or a child in need of services.

(8) A juvenile detention facility under IC 31-31-8.

(9) A juvenile detention center under IC 31-31-9.

(10) A county jail.

(11) A communications system (as defined in IC 36-8-15-3), an enhanced emergency telephone system (as defined in IC 36-8-16-2 (before its repeal on July 1, 2012)), ~~or the statewide 911 system (as defined in IC 36-8-16.7-22), or an emergency communications services system operated by Hendricks County under IC 36-8-24.~~

(12) Medical and health expenses for jail inmates and other confined persons.

(13) Pension payments for any of the following:

(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.

(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

(c) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

(b) If a county council has imposed a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 24 of this chapter, a tax rate of at least twenty-five hundredths of one percent (0.25%) under section 26 of this chapter, or a total combined tax rate of at least twenty-five hundredths of one percent (0.25%) under sections 24 and 26 of this chapter, the county council may also adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety.

(c) A tax rate under this section may not exceed twenty-five hundredths of one percent (0.25%).

(d) If a county council adopts an ordinance to impose a tax rate under this section, not more than ten (10) days after the vote, the county auditor shall send a certified copy of the ordinance to the commissioner of the department, the director of the budget agency, and the commissioner of the department of local government finance in an electronic format approved by the director of the budget agency.

(e) A tax rate under this section is in addition to any other tax rates imposed under this chapter and does not affect the purposes for which other tax revenue under this chapter may be used.

(f) Except as provided in subsection (k) or (l), the county auditor shall distribute the portion of the certified distribution that is attributable to a tax rate under this section to the county and to each municipality in the county that is carrying out or providing at least one (1) of the public safety purposes described in subsection (a). The amount that shall be distributed to the county or municipality is equal to the result of:

(1) the portion of the certified distribution that is attributable to a tax rate under this section; multiplied by

(2) a fraction equal to:

(A) the attributed allocation amount (as defined in ~~IC 6-3.5-1.1-15~~) **section 15 of this chapter**) of the county or municipality for the calendar year; divided by  
(B) the sum of the attributed allocation amounts of the county and each municipality in the county that is entitled to a distribution under this section for the calendar year.

The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the

portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may be appropriated by the county or municipality only for public safety purposes.

(g) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's receipt of the tax revenue.

(h) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

- (1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter;
- (2) the maximum permissible property tax levy under IC 6-1.1-18.5-3; or
- (3) the credit under IC 6-1.1-20.6.

(i) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 24 of this chapter.

(j) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

(k) Two (2) or more political subdivisions that are entitled to receive a distribution under this section may adopt resolutions providing that some part or all of those distributions shall instead be paid to one (1) political subdivision in the county to carry out specific public safety purposes specified in the resolutions.

(l) A fire department, volunteer fire department, or emergency medical services provider that:

- (1) provides fire protection or emergency medical services within the county; and
- (2) is operated by or serves a political subdivision that is not otherwise entitled to receive a distribution of tax revenue under this section;

may before July 1 of a year apply to the county council for a distribution of tax revenue under this section during the following calendar year. The county council shall review an application submitted under this subsection and may before September 1 of a year adopt a resolution requiring that one (1) or more of the applicants shall receive a specified amount of the tax revenue to be distributed under this section during the following calendar year. A resolution approved under this subsection providing for a distribution to one (1) or more fire departments, volunteer fire departments, or emergency medical services providers applies only to distributions in the following calendar year. Any amount of tax revenue distributed under this subsection to a fire department, volunteer fire department, or emergency medical services provider shall be distributed before the remainder of the tax revenue is distributed under subsection (f).

**SECTION 29. IC 34-30-2-156.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 156.6. IC 36-8-24-22 (Concerning an emergency communications services system operated under IC 36-8-24, a PSAP, a county, or a voice communications service provider for loss, death, or injury related to the operation of an emergency communications services system by a county under IC 36-8-24).**

**SECTION 30. IC 35-51-36-1, AS AMENDED BY P.L.132-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 36:**

- IC 36-2-2-13 (Concerning county government).
- IC 36-2-6-8 (Concerning county government).

IC 36-2-6-12 (Concerning county government).

IC 36-2-7-18 (Concerning county government).

IC 36-2-8-6 (Concerning county government).

IC 36-2-9-13 (Concerning county government).

IC 36-2-9-14 (Concerning county government).

IC 36-2-9.5-7 (Concerning county government).

IC 36-2-9.5-9 (Concerning county government).

IC 36-2-13-5 (Concerning county government).

IC 36-2-14-10 (Concerning county government).

IC 36-2-14-17 (Concerning county government).

IC 36-2-14-21 (Concerning county government).

IC 36-4-8-13 (Concerning government of cities and towns).

IC 36-7-12-27.5 (Concerning planning and development).

IC 36-7-14-40 (Concerning planning and development).

IC 36-7-15.1-27 (Concerning planning and development).

IC 36-7-30-28 (Concerning planning and development).

IC 36-7-30.5-36 (Concerning planning and development).

IC 36-8-3.5-23 (Concerning public safety).

IC 36-8-10-9 (Concerning public safety).

IC 36-8-16.7-41 (Concerning public safety).

IC 36-8-16.7-45 (Concerning public safety).

IC 36-8-16.7-46 (Concerning public safety).

**IC 36-8-24-20 (Concerning public safety).**

IC 36-9-14-7 (Concerning transportation and public works).

IC 36-10-3-39 (Concerning recreation, culture, and community facilities).

IC 36-10-4-5 (Concerning recreation, culture, and community facilities).

IC 36-10-4-40 (Concerning recreation, culture, and community facilities).

**SECTION 32. IC 36-7-4-405, AS AMENDED BY P.L.132-2012, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 405. (a) ADVISORY – AREA. Each plan commission shall:**

(1) make recommendations to the legislative body or bodies concerning:

(A) the adoption of the comprehensive plan and amendments to the comprehensive plan;

(B) the adoption or text amendment of:

(i) an initial zoning ordinance;

(ii) a replacement zoning ordinance; and

(iii) a subdivision control ordinance;

(C) the adoption or amendment of a PUD district ordinance (as defined in section 1503 of this chapter); and

(D) zone map changes; and

(2) render decisions concerning and approve plats, replats, and amendments to plats of subdivisions under the 700 series of this chapter.

(b) Each plan commission:

(1) shall assign street numbers to lots and structures;

(2) shall renumber lots and structures; and

(3) if the plan commission does not have the power under an ordinance adopted under subsection (c) to name or rename streets, may recommend the naming and renaming of streets to the executive.

(c) The executive shall name or rename streets. However, a unit may provide by ordinance that the plan commission rather than the executive shall name or rename streets. Streets shall be named or renamed so that their names are easy to understand and to avoid duplication or conflict with other names. The plan commission may, by rule, prescribe a numbering system for lots and structures.

(d) This subsection applies to a plan commission having jurisdiction in a county with a population of at least four hundred thousand (400,000). The plan commission shall number structures on highways within the plan commission's jurisdiction to conform with the numbers of structures on streets within

cities in the county.

(e) This subsection applies to unincorporated areas subject to the jurisdiction of no plan commission under this article. The county executive:

- (1) must approve the assignment of street numbers to lots and structures; and
- (2) may number or renumber lots and structures and name or rename streets.

(f) This subsection applies to areas located within a municipality that are subject to the jurisdiction of no plan commission under this article. The executive of the municipality:

- (1) must approve the assignment of street numbers to lots and structures; and
- (2) may number or renumber lots and structures and name or rename streets.

(g) An executive acting under subsection (e) or (f) shall name or rename streets:

- (1) so that their names are easy to understand; and
- (2) to avoid duplication or conflict with other names.

(h) If streets are named or renamed or lots and structures are numbered or renumbered under this section, the commission or executive that makes the naming or numbering decision shall notify:

- (1) the circuit court clerk or board of registration;
- (2) the statewide 911 board established by IC 36-8-16.7-24 and:

(A) the administrator of an enhanced emergency telephone system established under IC 36-8-16 (before its repeal on July 1, 2012), if any; or

(B) the county commissioners of a county operating an emergency communications services system under IC 36-8-24;

as applicable;

- (3) the United States Postal Service; and
- (4) any person or body that the commission or executive considers appropriate to receive notice;

of its action no later than the last day of the month following the month in which the action is taken.

(i) Each plan commission shall make decisions concerning development plans and amendments to development plans under the 1400 series of this chapter, unless the responsibility to render decisions concerning development plans has been delegated under section 1402(c) of this chapter.

**SECTION 33. IC 36-8-16.7-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 0.5. (a) This chapter does not apply to a customer or a person providing services to a customer located in a county that adopts an ordinance to fund emergency communications services under IC 36-8-24 during the period:**

- (1) beginning January 1, 2015; and
- (2) ending December 31, 2017.

**(b) This section expires January 1, 2018.**

**SECTION 34. IC 36-8-24 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:**

**Chapter 24. Pilot Program for a County Operated Emergency Communications Services System**

**Sec. 1. This chapter applies only to Hendricks County.**

**Sec. 2. (a) As used in this chapter, "automatic location identification" means an enhanced 911 service capability that enables the transmission of information concerning the location of a caller who places a 911 call.**

**(b) In the case of a 911 call placed from a wireless telephone, the term includes both:**

- (1) information on the location of the cell site or base station transmitting the call, as required under Phase I of the FCC Order; and
- (2) more precise information on the caller's location,

including the location of the caller by latitude and longitude within the accuracy requirements specified by the Federal Communications Commission under Phase II of the FCC Order.

**(c) In the case of a 911 call placed by a subscriber of interconnected VOIP service, the term refers to the subscriber's registered location (as defined in 47 CFR 9.3).**

**Sec. 3. As used in this chapter, "automatic number identification" means an enhanced 911 service capability that enables the transmission and display of the ten (10) digit telephone number used to place a 911 call to a PSAP.**

**Sec. 4. (a) As used in this chapter, "CMRS" refers to commercial mobile radio service (as defined in 47 CFR 20.3).**

**(b) The term includes the following:**

**(1) Services commonly referred to as wireless.**

**(2) Services provided by a wireless real time two-way voice communication device, including radio-telephone communications used in:**

- (A) cellular telephone service;**
- (B) personal communications service; or**
- (C) the functional or competitive equivalent of a radio-telephone communications line used in:**

- (i) cellular telephone service;**
- (ii) a personal communications service; or**
- (iii) a network radio access line.**

**(3) Any other wireless service that provides direct access to a PSAP through placement of a 911 call.**

**Sec. 5. (a) As used in this chapter, "communications provider" means a person or entity, or an affiliate (as defined in IC 23-1-43-1) of a person or an entity that:**

- (1) offers voice communications service to subscribers in Indiana; and**
- (2) provides, or is required by the Federal Communications Commission to provide, a caller with direct access to a PSAP through the placement of a 911 call.**

**(b) The term includes the following:**

**(1) Facilities based and nonfacilities based resellers of voice communications service.**

**(2) Any other provider of voice communications service through wireline or wireless means, regardless of whether the provider is subject to regulation by the Indiana utility regulatory commission.**

**Sec. 6. (a) As used in this chapter, "emergency communications services system" means a voice communications system that uses the three (3) digit number 911 to send automatic number identification and automatic location identification for reporting police, fire, medical, or other emergency situations.**

**(b) The term includes the following:**

- (1) A wireline enhanced emergency telephone system.**
- (2) A wireless 911 emergency telephone system.**

**Sec. 7. (a) As used in this chapter, "FCC order" refers to the order of the Federal Communications Commission, FCC Docket No. 94-102, adopted June 12, 1996, with an effective date of October 1, 1996.**

**(b) The term includes any rules, regulations, and consent decrees adopted by the Federal Communications Commission to implement the order described in subsection (a).**

**Sec. 8. As used in this chapter, "fiscal body" refers to the fiscal body of Hendricks County.**

**Sec. 9. As used in this chapter, "fund" refers to an emergency communications services fund established under section 17 of this chapter.**

**Sec. 10. As used in this chapter, "interconnected VOIP service" has the meaning set forth in 47 CFR 9.3.**

**Sec. 11. As used in this chapter, "legislative body" refers to the legislative body of Hendricks County.**

**Sec. 12. As used in this chapter, "multiline telephone**

system" means a voice communications service system that includes the following:

- (1) Common control units.
- (2) Telephone sets.
- (3) Control hardware and software.
- (4) Adjunct systems.

The term includes network and premises based systems as classified by FCC Part 68 Requirements.

Sec. 13. As used in this chapter, "proprietary information" includes the following:

- (1) Customer lists and related information.
- (2) Technology descriptions, technical information, or trade secrets (as defined in IC 24-2-3-2).
- (3) Information concerning the actual or developmental costs of 911 systems that are developed, produced, or received internally by a provider or by a provider's employees, directors, officers, or agents.

Sec. 14. As used in this chapter, "PSAP" refers to a public safety answering point:

- (1) that operates on a twenty-four (24) hour basis; and
- (2) whose primary function is to receive incoming emergency requests for assistance and relay those requests to an appropriate responding public safety agency.

Sec. 15. (a) As used in this chapter, "voice communications service" means any service or device that:

- (1) uses telephone numbers or IP addresses or their functional equivalents or successors;
- (2) is capable of accessing, connecting with, or interfacing with a 911 system by dialing, initializing, or otherwise activating the 911 system regardless of the transmission medium or technology employed;
- (3) provides or enables real time or interactive communications; and
- (4) is either prepaid or postpaid by the subscriber.

(b) The term includes the following:

- (1) Internet protocol enabled services and applications that are provided through wireline, cable, wireless, or satellite facilities, or any other facility or platform that is capable of connecting a 911 call to a PSAP.
- (2) A multiline telephone system.
- (3) CMRS.
- (4) Interconnected VOIP service and voice over power lines.

Sec. 16. (a) The legislative body may establish an emergency communications services system to provide emergency communications services within the geographic boundaries of the county.

(b) To establish the emergency communications services system, the legislative body must adopt an ordinance that meets the following requirements:

- (1) The ordinance is adopted after the legislative body holds a public hearing to receive public comment on the proposed ordinance. The legislative body must give notice of the hearing under IC 5-3-1 that includes the following:

- (A) A list of all PSAPs in the proposed district.
- (B) The date, time, and location of the hearing.
- (C) The location where the public can inspect the proposed ordinance.
- (D) The name and contact information of a representative of each PSAP who may be contacted for further information.

(2) The ordinance must:

- (A) take effect January 1, 2015; and
- (B) expire December 31, 2017.

(c) The ordinance adopted under subsection (b) must include the following:

- (1) The identity of all PSAPs within the county.
- (2) A description of a proposed two-tiered fee schedule based on:

- (A) a flat fee applicable to all parcels; and
- (B) a variable fee based on zoning classifications and the size of a parcel.

(3) The effective date and expiration date of the ordinance.

Sec. 17. (a) Upon the adoption of an ordinance under section 16 of this chapter, the legislative body must establish an emergency communications services fund. The fund consists of the following:

- (1) Fees deposited under section 19 of this chapter.
- (2) Funds transferred under section 24 of this chapter.
- (3) Grants and gifts intended for deposit in the fund.
- (4) Interest, premiums, gains, or other earnings on the fund.
- (5) Money from any other source that is deposited in or transferred to the fund.

(b) Money in the fund may be used to pay for the following:

- (1) The lease, purchase, or maintenance of enhanced emergency telephone equipment, including necessary computer hardware, software, and data base provisioning.
- (2) The rates associated with a communications provider's enhanced emergency communications system network services.
- (3) The personnel expenses of the district.
- (4) The lease, purchase, construction, or maintenance of voice and data communications equipment, communications infrastructure, or other information technology necessary to provide emergency communications services under authority of the district.
- (5) An emergency telephone notification system.
- (6) Actual costs incurred by a provider unit in complying with the wireless enhanced 911 requirements established by the FCC order and rules.
- (7) Deposits in an escrow account to be used for costs associated with other wireless enhanced 911 services mandated by the Federal Communications Commission and specified in the FCC order but not incurred by a provider unit.
- (8) Other costs incurred in administering this chapter.

(c) The county treasurer shall administer the fund.

Sec. 18. The legislative body shall:

- (1) determine an annual budget necessary to meet the expenses of operating and maintaining the emergency communications services system within the district; and

(2) not later than November 1, submit the budget to the fiscal body for review and approval.

The legislative body shall base its initial budget on the expenses actually incurred by all PSAPs in the county in implementing IC 36-8-16.7 during the calendar year ending December 31, 2013.

Sec. 19. (a) Based on a budget approved under section 18 of this chapter, the legislative body shall recommend to the fiscal body a schedule of fees to be imposed on parcels located within the geographic boundaries of the county. The fees:

- (1) must comply with the authority granted under section 16(c) of this chapter; and
- (2) must be adequate to provide for proper development, operation, and maintenance of the county's emergency communications services system.

(b) The fiscal body shall:

- (1) review a schedule of recommended fees submitted under subsection (a);
- (2) determine the fees imposed under this chapter in accordance with the authority granted under section 16(c) of this chapter;
- (3) adopt an ordinance to impose the fees determined

under subdivision (2); and

(4) certify the fees to the county auditor as a special assessment on each parcel of real property located within the county.

(c) The county auditor shall:

(1) place the total amount certified under subsection

(b) on the tax duplicate for each affected property as a special assessment; and

(2) deposit money received as payment of a special assessment in the emergency communications services fund.

(d) Except as provided in IC 36-8-16.6, an additional fee relating to the provision of 911 service may not be levied upon CMRS, voice communications services, or interconnected VOIP services provided to a customer in Hendricks County by a state agency or local unit of government.

Sec. 20. (a) As used in this section, "subscriber" means a subscriber of voice communications service.

(b) A communications provider shall, upon request, provide to a district the necessary subscriber data to enable the district to implement and operate a 911 system. Subscriber data provided to Hendricks County for the purpose of implementing or updating a 911 system may be used only to identify:

(1) a subscriber;

(2) a subscriber's place of primary use (as determined under IC 6-8.1-15); or

(3) information under both subdivisions (1) and (2); and may not be used or disclosed by the county or its agents or employees, for any other purpose unless the data is used or disclosed under a court order. A person who recklessly, knowingly, or intentionally violates this subsection commits a Class A misdemeanor.

(c) After May 31, 1988, a contract entered into between a communications provider and a subscriber who has an unlisted or nonpublished telephone number may not include a provision that prohibits the communications provider from providing the subscriber's telephone number to Hendricks County for inclusion in a 911 system data base. A communications provider (other than a communications provider who before June 1, 1988, has contracted to not divulge a subscriber's unlisted or nonpublished telephone number) shall provide a requesting county with the name, telephone number, and place of primary use (as determined under IC 6-8.1-15) for each subscriber of the communications provider. A county may not release a telephone number required to be provided under this subsection to any person except as provided in subsection (b).

(d) A communications provider may amend or terminate a contract with a subscriber if:

(1) the contract contains a provision that prohibits the subscriber from providing the subscriber's telephone number to a county for inclusion in a 911 system data base;

(2) the exclusion of the number from the data base would negate the purpose of this chapter; and

(3) the subscriber is notified of the proposed amendment or termination of that contract at least one hundred eighty (180) days before the communications provider takes that action.

Sec. 21. (a) All proprietary information submitted to a county under this chapter is confidential. Notwithstanding any other law, proprietary information submitted under this chapter is not subject to subpoena, and proprietary information submitted under this chapter may not be released to a person other than to the submitting provider without the permission of the submitting provider.

(b) General information collected by a county under this chapter may be released or published only in aggregate

amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual provider.

Sec. 22. Notwithstanding any other law, a PSAP, the county, a communications provider, or an employee, director, officer, or agent of a PSAP, the county, or a communications provider is not liable for damages in a civil action or subject to criminal prosecution resulting from death, injury, or loss to persons or property incurred by any person in connection with establishing, developing, implementing, maintaining, operating, and providing emergency communications service, except in the case of willful or wanton misconduct.

Sec. 23. A person may not use the 911 service except to make emergency calls that may result in dispatch of the appropriate response for fire suppression and rescue, emergency medical or ambulance services, hazardous material, disaster, or major emergency occurrences, and law enforcement activities.

Sec. 24. The funds that remain in a fund or account established for the deposit of distributions received under IC 36-8-16.7-37 shall be transferred to the fund established under section 17 of this chapter. Any funds transferred under this section shall be used as follows:

(1) To pay any obligations owed to any bondholders, third parties, or creditors under IC 36-8-16 (before its repeal) or IC 36-8-16.7 before July 1, 2014.

(2) To the extent any funds remain after meeting the obligations described in subdivision (1), for the purposes set forth in section 18 of this chapter.

Sec. 25. (a) The legislative body shall, after June 30 and before October 1 of 2015 and 2016, report to the regulatory flexibility committee established by IC 8-1-2.6-4 on the ability of the county to independently fund and operate an emergency communications service system. The regulatory flexibility committee shall consider:

(1) whether a pilot program established under this chapter should be extended for additional years in Hendricks County; and

(2) whether a pilot program established under this chapter should be extended to additional counties.

(b) The regulatory flexibility committee may consider whether the statewide 911 system should be replaced with locally funded and operated emergency communications service systems.

(c) The regulatory flexibility committee shall submit any findings and recommendations made under this section to the legislative council in an electronic format under IC 5-14-6 before November 1, 2016."

Renumber all SECTIONS consecutively.

(Reference is to HB 1234 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

T. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1266, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 7, delete "IC 36-7-14-39(I)" and insert "IC 36-7-14-39(j)".

Page 4, line 7, strike "IC 36-7-15.1-26(g)." and insert "IC 36-7-15.1-26(h).".

Page 5, line 15, delete "to the electric rail service fund established by" and insert "for railroad car maintenance and improvements provided under IC 6-1.1-8.2.".

Page 5, delete line 16.

Page 19, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 20. IC 6-1.1-15-12, AS AMENDED BY P.L.172-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Subject to the limitations contained in subsections (c), ~~and~~ (d), **and (I)**, a county auditor shall correct errors which are discovered in the tax duplicate for any one (1) or more of the following reasons:

- (1) The description of the real property was in error.
- (2) The assessment was against the wrong person.
- (3) Taxes on the same property were charged more than one (1) time in the same year.
- (4) There was a mathematical error in computing the taxes or penalties on the taxes.
- (5) There was an error in carrying delinquent taxes forward from one (1) tax duplicate to another.
- (6) The taxes, as a matter of law, were illegal.
- (7) There was a mathematical error in computing an assessment.
- (8) Through an error of omission by any state or county officer, the taxpayer was not given:
  - (A) the proper credit under IC 6-1.1-20.6-7.5 for property taxes imposed for an assessment date after January 15, 2011;
  - (B) any other credit permitted by law;
  - (c) an exemption permitted by law; or
  - (D) a deduction permitted by law.

(b) **Subject to subsection (I)**, the county auditor shall correct an error described under subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) when the county auditor finds that the error exists.

(c) If the tax is based on an assessment made or determined by the department of local government finance, the county auditor shall not correct an error described under subsection (a)(6), (a)(7), or (a)(8) until after the correction is either approved by the department of local government finance or ordered by the tax court.

(d) If the tax is not based on an assessment made or determined by the department of local government finance, the county auditor shall correct an error described under subsection (a)(6), (a)(7), or (a)(8) only if the correction is first approved by at least two (2) of the following officials:

- (1) The township assessor (if any).
- (2) The county auditor.
- (3) The county assessor.

If two (2) of these officials do not approve such a correction, the county auditor shall refer the matter to the county board for determination. The county board shall provide a copy of the determination to the taxpayer and to the county auditor.

(e) A taxpayer may appeal a determination of the county board to the Indiana board for a final administrative determination. An appeal under this section shall be conducted in the same manner as appeals under sections 4 through 8 of this chapter. The Indiana board shall send the final administrative determination to the taxpayer, the county auditor, the county assessor, and the township assessor (if any).

(f) If a correction or change is made in the tax duplicate after it is delivered to the county treasurer, the county auditor shall transmit a certificate of correction to the county treasurer. The county treasurer shall keep the certificate as the voucher for settlement with the county auditor.

(g) A taxpayer that files a personal property tax return under IC 6-1.1-3 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's personal property tax return. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's personal property tax return, the taxpayer must instead file an amended personal property tax return under IC 6-1.1-3-7.5.

(h) A taxpayer that files a statement under IC 6-1.1-8-19 may

not petition under this section for the correction of an error made by the taxpayer on the taxpayer's statement. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's statement, the taxpayer must instead initiate an objection under IC 6-1.1-8-28 or an appeal under IC 6-1.1-8-30.

**(I) A taxpayer is not entitled to relief under this section unless the taxpayer files a petition to correct an error:**

- (1) with the auditor of the county in which the taxes were originally paid; and**
- (2) within three (3) years after the taxes were first due."**

Page 21, delete lines 12 through 42.

Page 22, delete lines 1 through 26.

Page 25, line 24, reset in roman "a public library" and insert **"that has its proposed budget and proposed property tax levy approved under section 20.3 of this chapter"**.

Page 25, line 25, reset in roman "or".

Page 25, line 26, after "." insert **"The term includes a public library that has a taxing district located within at least two (2) counties."**

Page 26, delete lines 25 through 42, begin a new paragraph and insert:

"SECTION 23. IC 6-1.1-17-20.3, AS ADDED BY P.L.137-2012, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20.3. (a) This section applies only to the governing body of a public library that:

**(1) governs a taxing district that is located within a single county;**

~~(2)~~ **(2)** is not comprised of a majority of officials who are elected to serve on the governing body; and

~~(3)~~ **(3)** has a percentage increase in the proposed budget for the taxing unit for the ensuing calendar year that is more than the result of:

- (A) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the ensuing calendar year; minus
- (B) one (1).

For purposes of this section, an individual who qualifies to be appointed to a governing body or serves on a governing body because of the individual's status as an elected official of another taxing unit shall be treated as an official who was not elected to serve on the governing body.

(b) This section does not apply to an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

- (1) the assessed valuation of a public library is entirely contained within a city or town; or
- (2) the assessed valuation of a public library is not entirely contained within a city or town but the public library was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body in the manner prescribed by the department of local government finance before September 2 of a year. However, the governing body shall submit its proposed budget and property tax levy to the county fiscal body in the manner provided in subsection (d), rather than to the city or town fiscal body, if more than fifty percent (50%) of the parcels of real property within the jurisdiction of the public library are located outside the city or town.

(d) If subsection (c) does not apply, the governing body of the public library shall submit its proposed budget and property tax levy to the county fiscal body in the county where the public library has the most assessed valuation. The proposed budget and levy shall be submitted to the county fiscal body in the manner prescribed by the department of local government finance before September 2 of a year.

(e) The fiscal body of the city, town, or county (whichever

applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the public library. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

(f) If a public library fails to file the information required in subsection (c) or (d), whichever applies, with the appropriate fiscal body by the time prescribed by this section, the most recent annual appropriations and annual tax levy of that public library are continued for the ensuing budget year.

(g) If the appropriate fiscal body fails to complete the requirements of subsection (e) before the adoption deadline in section 5 of this chapter for any public library subject to this section, the most recent annual appropriations and annual tax levy of the city, town, or county, whichever applies, are continued for the ensuing budget year.

SECTION 24. IC 6-1.1-18-5, AS AMENDED BY P.L.137-2012, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) If the proper officers of a political subdivision desire to appropriate more money for a particular year than the amount prescribed in the budget for that year as finally determined under this article, they shall give notice of their proposed additional appropriation. The notice shall state the time and place at which a public hearing will be held on the proposal. The notice shall be given once in accordance with IC 5-3-1-2(b).

(b) If the additional appropriation by the political subdivision is made from a fund that receives:

(1) distributions from the motor vehicle highway account established under IC 8-14-1-1 or the local road and street account established under IC 8-14-2-4; or

(2) revenue from property taxes levied under IC 6-1.1; the political subdivision must report the additional appropriation to the department of local government finance. If the additional appropriation is made from a fund described under this subsection, subsections (f), (g), (h), and (i) apply to the political subdivision.

(c) However, if the additional appropriation is not made from a fund described under subsection (b), subsections (f), (g), (h), and (i) do not apply to the political subdivision. Subsections (f), (g), (h), and (i) do not apply to an additional appropriation made from the cumulative bridge fund if the appropriation meets the requirements under IC 8-16-3-3(c).

(d) A political subdivision may make an additional appropriation without approval of the department of local government finance if the additional appropriation is made from a fund that is not described under subsection (b). However, the fiscal officer of the political subdivision shall report the additional appropriation to the department of local government finance.

(e) After the public hearing, the proper officers of the political subdivision shall file a certified copy of their final proposal and any other relevant information to the department of local government finance.

(f) When the department of local government finance receives a certified copy of a proposal for an additional appropriation under subsection (e), the department shall determine whether sufficient funds are available or will be available for the proposal. The determination shall be made in writing and sent to the political subdivision not more than fifteen (15) days after the department of local government finance receives the proposal.

(g) In making the determination under subsection (f), the department of local government finance shall limit the amount of the additional appropriation to revenues available, or to be made available, which have not been previously appropriated.

(h) If the department of local government finance disapproves an additional appropriation under subsection (f), the department shall specify the reason for its disapproval on the determination sent to the political subdivision.

(i) A political subdivision may request a reconsideration of

a determination of the department of local government finance under this section by filing a written request for reconsideration.

A request for reconsideration must:

- (1) be filed with the department of local government finance within fifteen (15) days of the receipt of the determination by the political subdivision; and
- (2) state with reasonable specificity the reason for the request.

The department of local government finance must act on a request for reconsideration within fifteen (15) days of receiving the request.

(j) This subsection applies to an additional appropriation by a political subdivision that must have the political subdivision's annual appropriations and annual tax levy adopted by a city, town, or county fiscal body under IC 6-1.1-17-20 or by a legislative or fiscal body under IC 36-3-6-9. The fiscal or legislative body of the city, town, or county that adopted the political subdivision's annual appropriation and annual tax levy must adopt the additional appropriation by ordinance before the department of local government finance may approve the additional appropriation.

(k) This subsection applies to a public library that:

- (1) is required to submit the public library's budgets, tax rates, and tax levies for nonbinding review under IC 6-1.1-17-3.5; and
- (2) is not required to submit the public library's budgets, tax rates, and tax levies for binding review and approval under IC 6-1.1-17-20.

If a public library subject to this subsection proposes to make an additional appropriation for a year, and the additional appropriation would result in the budget for the library for that year increasing (as compared to the previous year) by a percentage that is greater than the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the calendar year minus one (1), the additional appropriation must first be approved by the city, town, or county fiscal body described in IC 6-1.1-17-20.3(c) or ~~IC 6-1.1-17-20(d)~~, **IC 6-1.1-17-20.3(d)**, as appropriate."

Delete pages 27 through 28.

Page 29, delete lines 1 through 35, begin a new paragraph and insert:

"SECTION 26. IC 6-1.1-18-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22. (a) As used in this section, "qualified taxing unit" refers to the following taxing units:**

**(1) DeKalb County.**

**(2) The town of Middlebury in Elkhart County.**

**(b) Before July 1, 2014, the department shall calculate and certify to the fiscal body of a qualified taxing unit the result of:**

**(1) the amount of the property tax levy that could have been imposed for property taxes first due and payable in 2014, if the budgets and levies of the qualified taxing unit had been properly advertised; minus**

**(2) the amount of the property tax levy approved by the department under IC 6-1.1-17 for property taxes first due and payable in calendar year 2014, after reducing the qualified taxing unit's budget and property tax levy because the qualified taxing unit's budget and property tax levy information were not properly advertised.**

**(c) After receiving the certifications required under subsection (b), the fiscal body of a qualified taxing unit may adopt an ordinance authorizing the qualified taxing unit to borrow money from a financial institution to replace part or all of the amount certified under subsection (b).**

**(d) If a qualified taxing unit receives a loan under this section, the fiscal officer of the qualified taxing unit shall deposit the loan in each fund affected by the reduction of**

the qualified taxing unit's budget and property tax levy. The amount deposited may be used for any of the lawful purposes of that fund.

(e) If a qualified taxing unit borrows money under subsection (c), the qualified taxing unit shall impose a property tax levy in calendar year 2015 for the qualified taxing unit's debt service fund to repay the total amount borrowed. The property tax levy under this subsection must be treated as:

(1) protected taxes (as defined in IC 6-1.1-20.6-9.8); and

(2) property taxes that are exempt from the levy limitations of IC 6-1.1-18.5.

(f) This section expires June 30, 2016."

Page 34, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 32. IC 36-7-14-15.5, AS AMENDED BY P.L.119-2012, SECTION 206, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15.5. (a) This section applies to a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).

(b) In adopting a declaratory resolution under section 15 of this chapter, a redevelopment commission may include a provision stating that the redevelopment project area is considered to include one (1) or more additional areas outside the boundaries of the redevelopment project area if the redevelopment commission makes the following findings and the requirements of subsection (c) are met:

(1) One (1) or more taxpayers presently located within the boundaries of the redevelopment project area are expected within one (1) year to relocate all or part of their operations outside the boundaries of the redevelopment project area and have expressed an interest in relocating all or part of their operations within the boundaries of an additional area.

(2) The relocation described in subdivision (1) will contribute to the continuation of the conditions described in IC 36-7-1-3 in the redevelopment project area.

(3) For purposes of this section, it will be of public utility and benefit to include the additional areas as part of the redevelopment project area.

(c) Each additional area must be designated by the redevelopment commission as a redevelopment project area or an economic development area under this chapter.

(d) Notwithstanding section 3 of this chapter, the additional areas shall be considered to be a part of the redevelopment special taxing district under the jurisdiction of the redevelopment commission. Any excess property taxes that the commission has determined may be paid to taxing units under section 39(b)(4) (39)(b)(5) of this chapter shall be paid to the taxing units from which the excess property taxes were derived. All powers of the redevelopment commission authorized under this chapter may be exercised by the redevelopment commission in additional areas under its jurisdiction.

(e) The declaratory resolution must include a statement of the general boundaries of each additional area. However, it is sufficient to describe those boundaries by location in relation to public ways, streams, or otherwise, as determined by the commissioners.

(f) The declaratory resolution may include a provision with respect to the allocation and distribution of property taxes with respect to one (1) or more of the additional areas in the manner provided in section 39 of this chapter. If the redevelopment commission includes such a provision in the resolution, allocation areas in the redevelopment project area and in the additional areas considered to be part of the redevelopment project area shall be considered a single allocation area for purposes of this chapter.

(g) The additional areas must be located within the same

county as the redevelopment project area but are not otherwise required to be within the jurisdiction of the redevelopment commission, if the redevelopment commission obtains the consent by ordinance of:

(1) the county legislative body, for each additional area located within the unincorporated part of the county; or

(2) the legislative body of the city or town affected, for each additional area located within a city or town.

In granting its consent, the legislative body shall approve the plan of development or redevelopment relating to the additional area.

(h) A declaratory resolution previously adopted may be amended to include a provision to include additional areas as set forth in this section and an allocation provision under section 39 of this chapter with respect to one (1) or more of the additional areas in accordance with sections 15, 16, and 17 of this chapter.

(I) The redevelopment commission may amend the allocation provision of a declaratory resolution in accordance with sections 15, 16, and 17 of this chapter to change the assessment date that determines the base assessed value of property in the allocation area to any assessment date following the effective date of the allocation provision of the declaratory resolution. Such a change may relate to the assessment date that determines the base assessed value of that portion of the allocation area that is located in the redevelopment project area alone, that portion of the allocation area that is located in an additional area alone, or the entire allocation area."

Page 34, line 35, delete "(j):" and insert "(I):".

Page 35, line 5, delete "(j):" and insert "(I):".

Page 35, line 21, delete "(j):" and insert "(I):".

Page 35, line 26, delete "(j):" and insert "(I):".

Page 36, line 8, delete "A" and insert "Subject to subsection (k), a".

Page 36, line 12, delete "A" and insert "Subject to subsection (k), a".

Page 39, line 29, delete "(I)," and insert "(h)".

Page 40, delete lines 17 through 28.

Page 40, line 29, delete "(d)" and insert "(c)".

Page 40, line 36, reset in roman "commission".

Page 40, line 36, delete "fiscal body".

Page 40, line 39, reset in roman "commission".

Page 40, line 39, delete "fiscal body".

Page 41, delete line 1.

Page 41, line 2, delete "with the written notice."

Page 41, line 4, after "the" reset in roman "commission".

Page 41, line 4, delete "fiscal body".

Page 41, line 4, after "The" reset in roman "commission".

Page 41, line 4, delete "fiscal".

Page 41, line 5, delete "body".

Page 41, line 9, delete "(e)" and insert "(d)".

Page 41, line 17, delete "(f)" and insert "(e)".

Page 41, line 21, delete "(g)" and insert "(f)".

Page 41, line 25, delete "(h)" and insert "(g)".

Page 41, line 33, delete "(I)" and insert "(h)".

Page 42, line 23, delete "(j)" and insert "(I)".

Page 43, line 12, delete "(k)" and insert "(j)".

Page 43, between lines 26 and 27, begin a new paragraph and insert:

"(k) After June 30, 2014, a redevelopment commission may not adopt a proposed declaratory resolution or an amendment to a declaratory resolution that includes a provision for the allocation and distribution of property taxes in accordance with subsection (b) if the allocation provision would establish or enlarge an allocation area in such a manner that, if the resolution or amendment were adopted:

(1) the aggregate geographic area included in allocation areas within the county would exceed twelve percent (12%) of the geographic area of the county; or

(2) the aggregate base assessed value included in

**allocation areas within the county would exceed twelve percent (12%) of the assessed value of property in the county;**

**unless each taxing unit wholly or partially located within the allocation area first adopts a resolution approving the proposed declaratory resolution or amendment to a declaratory resolution."**

Page 43, line 35, delete "39(j)" and insert "**39(I)**".

Page 47, line 4, delete "39(j)" and insert "**39(I)**".

Page 48, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 35. IC 36-7-15.1-26, AS AMENDED BY P.L.112-2012, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection ~~(h)~~; **(I)**; plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection ~~(h)~~; **(I)**; plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution; the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection ~~(h)~~; **(I)**.

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection ~~(h)~~; **(I)**.

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to

the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

**"Obligation" includes currently outstanding bonds, leases, and contracts.**

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) **Subject to subsection (k)**, a resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection ~~(h)~~ **(j)** may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. **Subject to subsection (k)**, a resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection ~~(h)~~ **(j)** in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public

question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(c) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(J) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

(I) Make, when due, any payments required under clauses (A) through (I), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this

subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

The special fund may not be used for operating expenses of the commission.

(4) Before July 15 of each year, the commission shall ~~do the following:~~ **conduct a public hearing. Notice of the hearing shall be given in accordance with IC 5-3-1. The commission shall also provide a copy of the notice to the department of local government finance and each taxing unit within an allocation area governed by the commission at least ten (10) days before the hearing. The notice must include:**

(A) estimated incremental revenues for the ensuing year;

(B) estimated obligations to be paid for the ensuing year;

(c) actual obligations paid in the previous year; and

(D) estimated fiscal impact to the taxing units if:

(i) the commission captures the amount it intends to capture; and

(ii) the commission releases all incremental assessed valuation.

(5) At the close of the hearing, the commission shall:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection ~~(g)~~: **(h).**

(B) Determine the tax increment replacement amount under IC 6-1.1-21.2-11.

(c) Present an estimate of tax increment revenues and financial obligations for the ensuing year.

~~(B)~~ (c) Following the hearing, the commission shall provide a written notice to the county auditor, the legislative body of the consolidated city, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

~~(1)~~ (1) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in ~~subdivision (1); subsection (b)(1); or~~

~~(2)~~ (2) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in ~~subdivision (1); subsection (b)(1).~~

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in ~~subdivision (3); subsection (b)(3).~~

~~(d)~~ (d) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

~~(e)~~ (e) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection ~~(b)(4); (b)(5),~~ be irrevocably pledged by the redevelopment

district for payment as set forth in subsection (b)(3).

(f) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(g) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(h) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

- (1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (½) of the enrollment in any session for residents of the enterprise zone.
- (2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone. These loans and grants may be made to the following:
  - (A) Businesses operating in the enterprise zone.
  - (B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.
- (3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(i) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the

adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, reassessment under the reassessment plan, or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(j) The allocation deadline referred to in subsection (b) is determined in the following manner:

- (1) The initial allocation deadline is December 31, 2011.
- (2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.
- (3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:
  - (A) terminates the automatic extension of allocation deadlines under subdivision (2); and
  - (B) specifically designates a particular date as the final allocation deadline.

**(k) After June 30, 2014, the commission may not adopt a proposed declaratory resolution or an amendment to a declaratory resolution that includes a provision for the allocation and distribution of property taxes in accordance with subsection (b) if the allocation provision would establish or enlarge an allocation area in such a manner that, if the resolution or amendment were adopted:**

- (1) the aggregate geographic area included in allocation areas within the county would exceed ten percent (10%) of the geographic area of the county; or**
- (2) the aggregate base assessed value included in allocation areas within the county would exceed ten percent (10%) of the assessed value of property in the county;**

**unless each designated taxing unit wholly or partially located within the redevelopment district first adopts a resolution approving the proposed declaratory resolution or amendment to a declaratory resolution.**

SECTION 26. IC 36-7-15.1-26.2, AS AMENDED BY P.L.172-2011, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26.2. (a) As used in this section, "depreciable personal property" refers to all of the designated taxpayer's depreciable personal property that is located in the allocation area.

(b) As used in this section, "designated taxpayer" means a taxpayer designated by the commission in a declaratory resolution adopted or amended under section 8 or 10.5 of this chapter, and with respect to which the commission finds that:

- (1) taxes to be derived from the taxpayer's depreciable personal property in the allocation area, in excess of the taxes attributable to the base assessed value of that personal property, are needed to pay debt service for bonds issued under section 17 of this chapter or to make payments on leases payable under section 17.1 of this chapter in order to provide local public improvements for a particular allocation area;
- (2) the taxpayer's property in the allocation area will consist primarily of industrial, manufacturing, warehousing, research and development, processing, distribution, transportation, or convention center hotel related projects or regulated amusement devices (as defined in IC 22-12-1-19.1) and related improvements; and
- (3) the taxpayer's property in the allocation area will not

consist primarily of retail, commercial, or residential projects, other than an amusement park or tourism industry project.

For purposes of subdivision (3), a convention center hotel project is not considered a retail, commercial, or residential project.

(c) The allocation provision of a declaratory resolution may modify the definition of "property taxes" under section 26(a) of this chapter to include taxes imposed under IC 6-1.1 on the depreciable personal property of designated taxpayers in accordance with the procedures and limitations set forth in this section and section 26 of this chapter. If such a modification is included in the resolution, for purposes of section 26 of this chapter the term "base assessed value" with respect to the depreciable personal property of designated taxpayers means the net assessed value of the depreciable personal property as finally determined for the assessment date immediately preceding:

- (1) the effective date of the modification, for modifications adopted before July 1, 1995; and
- (2) the adoption date of the modification for modifications adopted after June 30, 1995;

as adjusted under section 26(h) **26(I)** of this chapter."

Page 51, line 13, strike "operating".

Renummer all SECTIONS consecutively.

(Reference is to HB 1266 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 5.

T. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1276, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-20-38-5, AS ADDED BY P.L.7-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. The state board shall do the following:

- (1) Prepare biennially a plan for implementing career and technical education.
- (2) Implement, to the best of its ability, the career and technical education plan prepared under subdivision (1).
- (3) Investigate the funding of career and technical education on a cost basis.
- (4) Establish and monitor the operation of secondary level career and technical education in Indiana in accordance with the comprehensive long range state plan developed under section 4 of this chapter.
- (5) Establish a list of approved secondary level career and technical education courses in accordance with the workforce partnership plans under IC 22-4.1-14.
- (6) **In consultation with the Indiana professional licensing agency, adopt rules concerning secondary level career and technical education programs, courses, and classes in the areas of cosmetology, electrology, esthetics, barbering, and manicuring.**
- (7) **To comply with this section and any federal law or regulation:**

(A) adopt rules under IC 4-22-2; and

(B) develop policies and administrative procedures.

SECTION 2. IC 25-8-5-1, AS AMENDED BY P.L.170-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The board may issue a license under this article to operate a beauty

culture school.

**(b) Beginning July 1, 2014, a license issued or renewed under this chapter for a barber school must state, in prominent type on the license, that the license is a "barber school license".**

SECTION 3. IC 25-8-5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A school of barbering, manicuring, esthetics, or cosmetology licensed under this chapter shall be authorized to offer postsecondary higher education classes, courses, or programs consistent with the rules and policies adopted by the board subject to the board's oversight.

(b) The board shall:

(1) adopt rules under IC 4-22-2 to comply with this section and any federal law or regulation; and

(2) develop policies and administrative procedures to:

(A) appropriately act on complaints concerning a beauty culture school licensed under this chapter; and

(B) comply with this section and any federal law or regulation.

SECTION 4. IC 25-8-7-1, AS AMENDED BY P.L.170-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The board may issue a license under this article to operate a beauty culture salon.

**(b) Beginning July 1, 2014, a license issued or renewed under this chapter for a barber shop must state, in prominent type on the license, that the license is a "barber shop license".**

Page 1, line 7, delete "The board may adopt rules under".

Page 1, delete line 8.

Renummer all SECTIONS consecutively.

(Reference is to HB 1276 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

GUTWEIN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1290, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 2. IC 20-30-5-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) As used in this section, "psychomotor skills" means skills using hands on practice to support cognitive learning.

(b) Except as provided in subsection (e), each school corporation and accredited nonpublic school shall include in the school corporation's or accredited nonpublic school's high school health education curriculum instruction in cardiopulmonary resuscitation and use of an automated external defibrillator for its students. The instruction must incorporate the psychomotor skills necessary to perform cardiopulmonary resuscitation and use an automated external defibrillator and must include either of the following:

(1) An instructional program developed by the American Heart Association or the American Red Cross.

(2) An instructional program that is nationally recognized and is based on the most current national evidence based emergency cardiovascular care

guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator.

(c) A school corporation or an accredited nonpublic school may offer the instruction required in subsection (b) or may arrange for the instruction to be provided by available community based providers. The instruction is not required to be provided by a teacher. If instruction is provided by a teacher, the teacher is not required to be a certified trainer of cardiopulmonary resuscitation.

(d) This section shall not be construed to require a student to become certified in cardiopulmonary resuscitation and the use of an automated external defibrillator. However, if a school corporation or accredited nonpublic school chooses to offer a course that results in certification being earned, the course must be taught by an instructor authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.

(e) A school administrator may waive the requirement that a student receive instruction under subsection (b) if the student has a disability or is physically unable to perform the psychomotor skill component of the instruction required under subsection (b).

(f) Except as provided in subsection (e), a student shall receive the instruction required under subsection (b) at least once before graduation."

Page 4, line 15, after "and" insert "an accredited".

Page 4, line 22, after "each" insert "accredited".

Re-number all SECTIONS consecutively.

(Reference is to HB 1290 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1305, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1305 as introduced.)

Committee Vote: Yeas 10, Nays 2.

FRYE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Government and Regulatory Reform, to which was referred House Bill 1306, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1306 as introduced.)

Committee Vote: Yeas 11, Nays 0.

MAHAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1307, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 28, strike "attorney".

Page 8, line 29, strike "general." and insert "person responsible within ninety (90) days of the kill to the wild animals, and the director may enter into a proper and reasonable settlement with the person."

Page 8, line 37, delete "for the number of years necessary for the habitat" and insert ".".

Page 8, delete line 38, begin a new paragraph and insert:

"(c) If the total sum of the values under subsection (b)(1), (b)(2), and (b)(3) exceeds five thousand dollars (\$5,000) in damages, the director may consider the following in addition to the damages calculated under subsection (b):"

Page 8, line 39, delete "(4)" and insert "(1)".

Page 8, line 42, delete "(5)" and insert "(2)".

Page 9, strike lines 4 through 6.

Page 9, line 7, delete "If" begin a new paragraph and insert:

"(d) if".

Page 9, line 7, strike "attorney".

Page 9, line 8, strike "general" and insert "department".

Page 9, line 8, strike "a civil" and insert "an administrative".

Page 9, line 8, after "action" insert "under IC 4-21.5".

Page 9, line 8, strike "damage in an".

Page 9, strike line 9.

Page 9, line 10, strike "responsible for the death of wild animals took place." and insert "damages."

Page 9, line 11, strike "(d)" and insert "(e)".

(Reference is to HB 1307 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

EBERHART, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1318, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 9. IC 3-8-1-23.6, AS ADDED BY P.L.146-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 23.6. (a) A ~~person who runs in an election after June 30, 2008;~~ **candidate** for the office of township assessor under IC 36-6-5-1 **who runs in an election after June 30, 2008,** must have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 before taking office.

(b) A ~~person who runs in an election after January 1, 2012;~~ **candidate** for the office of township assessor under IC 36-6-5-1 **who:**

**(1) did not hold the office of township assessor on January 1, 2012; and**

**(2) runs in an election after January 1, 2012;**

must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office.

(c) A **candidate for the office of township assessor under IC 36-6-5-1 who:**

**(1) held the office of county assessor on January 1, 2012; and**

**(2) runs in an election after January 1, 2016;**

**must have attained the certification of a level three assessor-appraiser under IC 6-1.1-35.5 before taking office."**

Page 7, line 38, strike "(b)(2):" and insert "(c)(4):".

Page 10, line 28, delete "Except for a de minimis change identified as provided in".

Page 10, line 29, delete "subsection (d),".

Page 10, line 29, delete "the" and insert "The".

Page 10, line 36, after "and" insert "the results of the testing by the independent laboratory under subsection (c) and".

Page 10, line 42, after "change" insert "or a modification;".

Page 11, line 1, delete "that", begin a new line block indented

and insert:

**"(3) if the proposed improvement or change is a modification, whether the modification".**

Page 11, line 4, delete "(3)" and insert "(4)".

Page 11, line 22, delete "Except for a de minimis change identified as provided in".

Page 11, line 23, delete "subsection (d)".

Page 11, line 23, delete "the" and insert "The".

Page 11, line 30, after "and" insert **"the results of the testing by the independent laboratory under subsection (c) and"**.

Page 11, line 35, after "change" insert **"or a modification;"**.

Page 11, line 36, delete "that", begin a new line block indented and insert:

**"(3) if the proposed improvement or change is a modification, whether the modification".**

Page 11, line 39, delete "(3)" and insert "(4)".

Page 20, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 34. IC 36-2-15-5, AS AMENDED BY P.L.146-2008, SECTION 693, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

(1) Countywide equalization.

(2) Selection and maintenance of a countywide computer system.

(3) Certification of gross assessments to the county auditor.

(4) Discovery of omitted property.

(5) In:

(A) a township in which the transfer of duties of the elected township assessor is required by subsection (c); or

(B) a township in which the duties relating to the assessment of tangible property are not required to be performed by a township assessor elected under IC 36-6-5;

performance of the assessment duties prescribed by IC 6-1.1.

(b) A transfer of duties between assessors does not affect:

(1) any assessment, assessment appeal, or other official action made by an assessor before the transfer; or

(2) any pending action against, or the rights of any party that may possess a legal claim against, an assessor that is not described in subdivision (1).

Any assessment, assessment appeal, or other official action of an assessor made by the assessor within the scope of the assessor's official duties before the transfer is considered as having been made by the assessor to whom the duties are transferred.

(c) If:

(1) for a particular general election after June 30, 2008, the person elected to the office of township assessor has not attained the certification of a level two assessor-appraiser; or

(2) for a particular general election after January 1, ~~2012~~, **2016**, the person elected to the office of township assessor has not attained the certification of a level three assessor-appraiser;

as provided in IC 3-8-1-23.6 before the date the term of office begins, the assessment duties prescribed by IC 6-1.1 that would otherwise be performed in the township by the township assessor are transferred to the county assessor on that date. If assessment duties in a township are transferred to the county assessor under this subsection, those assessment duties are transferred back to the township assessor if at a later election a person who has attained the required level of certification referred to in subdivision (1) or (2) is elected to the office of township assessor.

(d) If assessment duties in a township are transferred to the county assessor under subsection (c), the office of elected township assessor remains vacant for the period during which the assessment duties prescribed by IC 6-1.1 are transferred to the county assessor.

(e) A referendum shall be held under sections 7.4 through 11 of this chapter in each township in which the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000) to determine whether to transfer to the county assessor the assessment duties prescribed by IC 6-1.1 that would otherwise be performed by the elected township assessor of the township."

Renumber all SECTIONS consecutively.

(Reference is to HB 1318 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

M. SMITH, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Ways and Means, to which was referred House Bill 1340, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1340 as introduced.)

Committee Vote: Yeas 16, Nays 0.

T. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Roads and Transportation, to which was referred House Bill 1343, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1343 as introduced.)

Committee Vote: Yeas 9, Nays 0.

SOLIDAY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1369, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 12, delete "fourteen (14)" and insert **"twenty-one (21)"**.

Page 3, line 15, delete "fourteen (14)" and insert **"twenty-one (21)"**.

(Reference is to HB 1369 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

WASHBURNE, Vice Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1380, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 4. IC 6-1.1-20.3-6.5, AS AMENDED BY P.L.257-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a)

After the board receives a petition concerning a political subdivision under section 6(a) or 6(b)(2) of this chapter, the board may designate the political subdivision as a distressed political subdivision if at least one (1) of the following conditions applies to the political subdivision:

- (1) The political subdivision has defaulted in payment of principal or interest on any of its bonds or notes.
- (2) The political subdivision has failed to make required payments to payroll employees for thirty (30) days or two (2) consecutive payrolls.
- (3) The political subdivision has failed to make required payments to judgment creditors for sixty (60) days beyond the date of the recording of the judgment.
- (4) The political subdivision, for at least thirty (30) days beyond the due date, has failed to do any of the following:
  - (A) Forward taxes withheld on the incomes of employees.
  - (B) Transfer employer or employee contributions due under the Federal Insurance Contributions Act (FICA).
  - (c) Deposit the political subdivision's minimum obligation payment to a pension fund.
- (5) The political subdivision has accumulated a deficit equal to eight percent (8%) or more of the political subdivision's revenues. For purposes of this subdivision, "deficit" means a negative fund balance calculated as a percentage of revenues at the end of a budget year for any governmental or proprietary fund. The calculation must be presented on an accrual basis according to generally accepted accounting principles.
- (6) The political subdivision has sought to negotiate a resolution or an adjustment of claims that in the aggregate:
  - (A) exceed thirty percent (30%) of the political subdivision's anticipated annual revenues; and
  - (B) are ninety (90) days or more past due.
- (7) The political subdivision has carried over interfund loans for the benefit of the same fund at the end of two (2) successive years.
- (8) The political subdivision has been severely affected, as determined by the board, as a result of granting the property tax credits under IC 6-1.1-20.6.
- (9) In addition to the conditions listed in subdivisions (1) through (8), and in the case of a school corporation, the board may also designate a school corporation as a distressed political subdivision if at least one (1) of the following conditions applies:
  - (A) The school corporation has:
    - (i) issued refunding bonds under IC 5-1-5-2.5; or
    - (ii) adopted a resolution under IC 5-1-5-2.5 making the determinations and including the information specified in IC 5-1-5-2.5(g).
  - (B) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's 2011 ADM ranks in the highest ten (10) among all school corporations.
  - (c) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's total assessed valuation for calendar year 2011 ranks in the highest ten (10) among all school corporations.
  - (D) The amount of homestead assessed valuation in the school corporation for calendar year 2011 was at least sixty percent (60%) of the total amount of assessed valuation in the school corporation for calendar year 2011.

**(10) In addition to the conditions listed in subdivisions (1) through (9), and in the case of a school corporation, the board shall also designate a school corporation as a distressed political subdivision if the school corporation's petition for a loan from the counter-cyclical revenue and economic stabilization**

### **fund was denied in October 2013.**

The board may consider whether a political subdivision has fully exercised all the local options available to the political subdivision, such as a local option income tax or a local option income tax rate increase or, in the case of a school corporation, an operating referendum.

(b) If the board designates a political subdivision as distressed under subsection (a), the board shall review the designation annually to determine if the distressed political subdivision meets at least one (1) of the conditions listed in subsection (a).

(c) If the board designates a political subdivision as a distressed political subdivision under subsection (a), the board shall immediately notify:

- (1) the treasurer of state; and
- (2) the county auditor and county treasurer of each county in which the distressed political subdivision is wholly or partially located;

that the board has designated the political subdivision as a distressed political subdivision."

Page 5, line 17, delete "described in section 6.5(a)(9)" and insert **"designated as a distressed political subdivision under section 6.5(a)(10)"**.

Page 13, line 38, after "manufacturing," insert **"assembly,"**

Page 15, line 19, delete "July" and insert **"November"**.

Page 15, line 39, delete "July" and insert **"November"**.

Page 16, between lines 11 and 12, begin a new paragraph and insert:

**"SECTION 26. [EFFECTIVE JULY 1, 2014] (a) The legislative council is urged to assign the following topics for study during the 2014 legislative interim:**

**(1) Whether the proceeds of the sale of a major county asset should be held in a nonreverting trust fund of the county such that the principal of the fund is never diminished.**

**(2) The issue of how to define the term "major county asset".**

**(3) Permissible uses of the interest of a trust fund described in subdivision (1).**

**(b) This SECTION expires December 31, 2014."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1380 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

T. BROWN, Chair

Report adopted.

### **COMMITTEE REPORT**

Mr. Speaker Your Committee on Public Policy, to which was referred House Bill 1387, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1387 as introduced.)

Committee Vote: Yeas 9, Nays 2.

DERMODY, Chair

Report adopted.

### **COMMITTEE REPORT**

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1388, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 30, delete "ten" and insert **"five (5)"**.

Page 2, line 31, delete "(10)".

Page 2, line 38, after "the" insert **"matrix"**.

Page 3, line 18, delete "IC 20-28-11.5-9" and insert **"IC 20-28-11.5-9. The matrix rating system may not grade or compare teacher preparation programs. The matrix rating**

system must be based on data collected for teachers that initially receive their teaching license during the previous three (3) years."

Page 3, line 18, strike "for the three (3) most recent years."

Page 3, line 19, after "make the" insert "matrix".

Page 3, between lines 20 and 21, begin a new paragraph and insert:

**"(j) Before July 1, 2015, each teacher preparation program that is not accredited by the Council for Accreditation of Educator Preparation shall, except as otherwise provided in this subsection, require applicants to the teacher preparation program to:**

**(1) complete a clinical residency program supervised by a teacher that is rated highly effective by the teacher's employer;**

**(2) maintain a grade point average of at least 3.0 on a 4.0 grading scale or its equivalent at the time the individual is accepted in the teacher preparation program; and**

**(3) receive a test score that is considered in the top fiftieth percentile of the SAT or ACT test scores achieved by all students.**

**A teacher preparation program may waive the requirements described in subdivisions (1) through (3) for not more than ten percent (10%) of the students admitted to the teacher preparation program during the same academic year.**

**(k) Each teacher preparation program shall report to the department, in a manner prescribed by the department, the teacher preparation program's admission practices. The department shall include information reported to the department on the department's Internet web site."**

Page 3, line 24, delete "and" and insert "(including a virtual charter school), eligible school (as defined in IC 20-51-1-4.7), and".

Page 3, line 34, delete "public".

Page 3, line 35, after "school " insert "described in subsection (a)".

Page 3, line 39, delete "ten (10)" and insert "five (5)".

Page 3, line 41, delete "charter school or".

Page 3, line 42, delete "corporation".

Page 4, line 8, delete "public".

Page 4, line 8, after "school" insert "described in subsection (a)".

Page 4, line 9, delete "ten (10)" and insert "five (5)".

Page 4, line 11, delete "public".

Page 4, delete line 14 and insert "school;".

Page 4, line 23, delete "and".

Page 4, line 24, delete "status." and insert "status; and".

Page 4, between lines 24 and 25, begin a new line block indented and insert:

**"(7) include an assessment by the teacher of the quality of instruction of the teacher preparation program in which the teacher participated."**

Page 4, line 38, delete "corporation and charter school," and insert "described in subsection (a)".

Page 5, line 1, delete "down by:" and insert "down:".

Page 5, delete lines 2 through 5, begin a new line double block indented and insert:

**"(A) by the type of initial teacher license received by teachers upon completion of a particular teacher preparation program; or**

**(B) as otherwise requested by a teacher preparation program, as approved by the state board."**

(Reference is to HB 1388 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

BEHNING, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1391, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 32, delete "14" and insert "13".

Page 5, delete lines 19 through 25.

Page 5, line 26, delete "IC 12-10-10-14" and insert "IC 12-10-10-13".

Page 5, line 28, delete "14." and insert "13.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1391 as printed January 24, 2014.)  
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 4.

T. BROWN, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1403, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 4, after "pertaining" insert "exclusively".

Page 2, line 4, after "unit" insert "or rental unit community".

Page 2, line 13, delete "Except as provided in section 4.1 or 5 of this" and insert "(a) A political subdivision may not require a rental unit's owner or landlord to do any of the following:

**(1) Except as provided in subsection (b), obtain a permit to lease the rental unit.**

**(2) Participate in a class or government program as a condition for leasing the rental unit.**

**(b) Notwithstanding subsection (a), a political subdivision may require a rental unit's owner or landlord to obtain a permit only as follows:**

**(1) A fee may not be charged to obtain a permit.**

**(2) Except when there is a change of ownership of the real property, a permit does not expire. A political subdivision may require a new owner of the real estate to obtain a new permit.**

**(3) Only one (1) permit may be required for a rental unit community."**

Page 2, delete lines 14 through 19.

Page 3, line 9, after "to" insert "the inspection of".

Page 3, line 9, delete "either" and insert "all".

Page 3, delete lines 12 through 19, begin a new line block indented and insert:

**"(2) The rental unit has been inspected or is part of a rental community that has been inspected during the previous twelve (12) months by an inspector who satisfies any of the following:**

**(A) The inspector is employed by or performs inspections for government agencies, such as the United States Department of Housing and Urban Development and the Indiana Housing and Community Development Authority.**

**(B) The inspector is a registered architect.**

**(c) The inspector is a professional engineer.**

**(D) The inspector is employed by or performs inspections for financial institutions or insurance companies authorized to do business in Indiana.**

**(E) The inspector satisfies qualifications for an inspector of rental units prescribed by the political subdivision.**

**(3) The inspector referred to in subdivision (2) has issued written verification to the owner or landlord of**

the rental unit or rental unit community (as applicable) that the rental unit or rental unit community meets or exceeds the standards described in subsection (b).

(b) An inspection report that shows that a rental unit or a rental unit community is safe and habitable with respect to the following satisfies a political subdivision's inspection requirement for the rental unit:

- (1) Electrical supply and electrical systems.
- (2) Plumbing and plumbing systems.
- (3) Water supply, including hot water.
- (4) Heating, ventilation, and air conditioning equipment and systems.
- (5) Bathroom and toilet facilities.
- (6) Doors, windows, stairways, and hallways.
- (7) Functioning smoke detectors.
- (8) Structure in which a rental unit is located.

A political subdivision may not add to the requirements of this subsection."

Page 3, line 20, delete "(b)" and insert "(c)".

Page 3, line 21, delete "upon receipt of a complaint that" and insert "if the political subdivision has reason to believe, or if the political subdivision receives a complaint that,".

Page 3, delete lines 34 through 42, begin a new paragraph and insert:

"(b) A political subdivision may impose on an owner or landlord of a rental unit an annual registration fee of not more than five dollars (\$5).

(c) A registration fee imposed under subsection (b) covers all the rental units in a rental unit community. However, if a rental unit is not part of a rental unit community, a registration fee may be imposed for each separate parcel of real property on which a rental unit is located.

(d) If the ownership of a rental unit community or the ownership of a parcel of real property on which a rental unit is located changes, a political subdivision may require the new owner of the rental unit community or new owner of the real estate parcel to:

- (1) pay an annual registration fee of not more than five dollars (\$5); and
- (2) provide updated registration information to the political subdivision;

not later than thirty (30) days after the change of ownership."

Page 4, delete line 1.

(Reference is to HB 1403 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

MAHAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities and Energy, to which was referred House Bill 1423, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-2.4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The definitions in this section apply throughout this chapter.

(b) "Alternate energy production facility" means:

- (1) a solar, wind turbine, waste management, resource recovery, refuse-derived fuel, or wood burning facility;
- (2) any land, system, building, or improvement that is

located at the project site and is necessary or convenient to the construction, completion, or operation of the facility; and

(3) the transmission or distribution facilities necessary to conduct the energy produced by the facility to users located at or near the project site.

(c) "Cogeneration facility" means:

(1) a facility that:

(A) simultaneously generates electricity and useful thermal energy; and

(B) meets the energy efficiency standards established for cogeneration facilities by the Federal Energy Regulatory Commission under 16 U.S.C. 824a-3;

(2) any land, system, building, or improvement that is located at the project site and is necessary or convenient to the construction, completion, or operation of the facility; and

(3) the transmission or distribution facilities necessary to conduct the energy produced by the facility to users located at or near the project site.

(d) "Electric utility" means any public utility or municipally owned utility that owns, operates, or manages any electric plant.

(e) "Small hydro facility" means:

(1) a hydroelectric facility at a dam;

(2) any land, system, building, or improvement that is located at the project site and is necessary or convenient to the construction, completion, or operation of the facility; and

(3) the transmission or distribution facilities necessary to conduct the energy produced by the facility to users located at or near the project site.

(f) "Steam utility" means any public utility or municipally owned utility that owns, operates, or manages a steam plant.

(g) "Private generation project" means a cogeneration facility that has an electric generating capacity of eighty (80) megawatts or more and is:

(1) primarily used by its owner for the owner's industrial, commercial, heating, or cooling purposes; or

(2) a qualifying facility for purposes of the Public Utility Regulatory Policies Act of 1978 that:

(A) is in existence on July 1, 2014; and

(B) produces electricity and useful thermal energy that is primarily used by a host operation for industrial, commercial, heating, or cooling purposes.

SECTION 2. IC 8-1-2.4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The commission shall encourage the participation of utilities in alternate energy production facilities, cogeneration facilities, ~~and~~ small hydro facilities, ~~and~~ private generation projects.

SECTION 3. IC 8-1-2.4-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The owner of a private generation project may sell excess electric output generated by the private generation project to an electric utility as provided in subsection (b) to the extent the sale is consistent with applicable federal and state laws, rules, and regulations.

(b) An electric utility may purchase excess output described in subsection (a) from a private generation project that is located entirely in the assigned service area of the electric utility. The terms of the purchase must be consistent with the integrated resource plan filed with the commission by the electric utility under 170 IAC 4-7, including avoided energy and capacity costs determined in the integrated resource plan.

(c) An electric utility is entitled to recover costs associated with the purchase of energy and capacity under subsection (b) under IC 8-1-2-42(d).

(d) An electric utility shall interconnect with a private generation project upon request, subject to reasonable considerations of safety, reliability, and financial assurance. The interconnection of a private generation project with an electric utility's distribution system is governed by 170 IAC 4-4.3. The interconnection of a private generation project with an electric utility's transmission system is governed by federal law and regulation, including orders, regulations, and transmission tariffs approved by the Federal Energy Regulatory Commission.

(e) Upon the request of the owner of a private generation project, an electric utility shall provide the private generation project with back up, maintenance, and supplementary power. The electric utility shall charge rates that:

- (1) are based on the electric utility's costs;
- (2) do not discriminate against:
  - (A) the private generation project; or
  - (B) other customers of the electric utility with load characteristics similar to the private generation project; and
- (3) do not create subsidies for:
  - (A) the private generation project; or
  - (B) retail customers of the electric utility.

(Reference is to HB 1423 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

KOCH, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Roads and Transportation, to which was referred House Concurrent Resolution 12, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to HCR 12 as introduced.)

Committee Vote: Yeas 8, Nays 0.

SOLIDAY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1320, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 10, delete "IC 20-33-7.5-2." and insert "**IC 20-33-7.5-3.**".

Page 2, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 20-19-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

##### **Chapter 7. Transfer of Student Information**

**Sec. 1. This chapter does not apply to the transfer of an individual student's education records by a school or school corporation to:**

- (1) a school or postsecondary educational institution in which the student seeks to enroll; or
- (2) an employer;

**with the written permission of the student's parent or the student, if the student is at least eighteen (18) years of age or emancipated.**

**Sec. 2. As used in this chapter, "agency" refers to the department, the state board, or any other entity created by statute or executive order that collects, maintains, receives, or stores student information.**

**Sec. 3. As used in this chapter, "student information"**

**means any data collected, maintained, received, or stored by an agency in which an individual student or an individual student's family is identified by name, by an assigned identification number, or in any manner by which the identity of an individual student or an individual student's family may be ascertained.**

**Sec. 4. An agency may not release, sell, or otherwise transfer student information to the federal government or any other entity unless:**

- (1) all identifying information concerning each student and each student's family has been redacted; or
- (2) the general assembly has enacted legislation giving express approval of the release, sale, or transfer of the student information.

**Sec. 5. A person who recklessly, knowingly, or intentionally violates section 4 of this chapter commits a Class A misdemeanor."**

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"**Sec. 1. This chapter applies after June 30, 2015.**"

Page 2, line 15, delete "1." and insert "**2.**".

Page 2, line 20, delete "2." and insert "**3.**".

Page 2, line 24, delete "3." and insert "**4.**".

Page 2, line 31, delete "4." and insert "**5.**".

Page 2, line 36, delete "5." and insert "**6.**".

Page 2, line 36, delete "state board" and insert "**department**".

Page 3, line 2, delete "state board" and insert "**department**".

Page 3, line 19, delete "6." and insert "**7. (a)**".

Page 3, line 20, delete "state" and insert "**department**".

Page 3, line 21, delete "board".

Page 3, between lines 27 and 28, begin a new paragraph and insert:

"**(b) A student's parent may access the student's achievement record or request that the student's records be transferred from the school corporation attended by the student to another school corporation by signing a form prescribed by the department.**"

Page 3, line 28, delete "7." and insert "**8.**".

Page 3, line 28, delete "state board" and insert "**department**".

Page 3, line 36, delete "8." and insert "**9.**".

Page 3, line 36, delete "state board" and insert "**department**".

Page 4, line 3, delete "state board" and insert "**department**".

Page 4, line 23, delete "state board" and insert "**department**".

Page 4, line 30, delete "9." and insert "**10.**".

Page 4, line 33, delete "10." and insert "**11.**".

Page 4, line 33, delete "state board" and insert "**department**".

Page 4, after line 34, begin a new paragraph and insert:

"SECTION 4. IC 35-51-20-1, AS ADDED BY P.L. 70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 20:

**IC 20-19-7-5 (Concerning the transfer of student information).**

IC 20-27-3-8 (Concerning school transportation).

IC 20-27-5-33 (Concerning school transportation).

IC 20-27-6-8 (Concerning school transportation).

IC 20-27-7-19 (Concerning school transportation).

IC 20-27-8-3 (Concerning school transportation).

IC 20-27-8-16 (Concerning school transportation).

IC 20-27-9-17 (Concerning school transportation).

IC 20-27-10-4 (Concerning school transportation).

IC 20-33-2-44 (Concerning compulsory school attendance)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1320 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

BEHNING, Chair

### HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 127, I move that House Bill 1320 be referred to the committee on Ways and Means. House Bill 1320 will have an annual fiscal impact to the State in excess of \$50,000.

V. SMITH

Upon request of Representatives Pelath and V. Smith, the Speaker ordered the roll of the House to be called. Roll Call 69: yeas 27, nays 68. Motion failed.

The question then was on the adoption of the committee report. Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the committee report made by the Select Committee on Government Reduction, adopted January 28, 2014.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-10-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Cancellation and Reissue of Warrants Outstanding More Than Two Years).".

Page 1, delete lines 10 through 14, begin a new paragraph and insert:

"SECTION 3. IC 4-20.5-6-9.4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 9.4: The department and the office of the secretary of family and social services shall establish policies that prohibit the construction of fences and bleachers on real property that is part of the Evansville State Hospital. This section applies to real property used either by:~~

- ~~(1) Evansville State Hospital for recreational purposes; or~~
- ~~(2) an entity using part of the property of the hospital with the permission of the hospital.~~

SECTION 4. IC 4-20.5-7-2.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2.5: (a) This section applies to real property that is part of Evansville State Hospital.~~

~~(b) The transfer of real property of Evansville State Hospital must include a provision that no fences or bleachers may be constructed on the real property being transferred. The deed transferring real property must include a provision that the real property reverts to the state if bleachers or fences are constructed on the real property."~~

Page 2, delete lines 1 through 17.

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 6. IC 5-2-6.1-12, AS AMENDED BY P.L.161-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Except as provided in sections 13 through 15 of this chapter, the following persons are eligible for assistance under this chapter:

- (1) A resident of Indiana who is a victim of a violent crime committed:
  - (A) in Indiana; or
  - (B) in a jurisdiction other than Indiana, including a foreign country, if the jurisdiction in which the violent crime occurs does not offer assistance to a victim of a violent crime that is substantially similar to the assistance offered under this chapter.
- (2) A nonresident of Indiana who is a victim of a violent crime committed in Indiana.
- (3) A surviving spouse or dependent child of a victim of

a violent crime who died as a result of that crime.

(4) Any other person legally dependent for principal support upon a victim of a violent crime who died as a result of that crime.

(5) A person who is injured or killed while trying to prevent a violent crime or an attempted violent crime from occurring in the person's presence or while trying to apprehend a person who had committed a violent crime.

(6) A surviving spouse or dependent child of a person who dies as a result of:

(A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person; or

(B) trying to apprehend a person who had committed a violent crime.

(7) A person legally dependent for principal support upon a person who dies as a result of:

(A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person; or

(B) trying to apprehend a person who had committed a violent crime.

(8) A person who is injured or killed while giving aid and assistance to:

(A) a law enforcement officer in the performance of the officer's lawful duties; or

(B) a member of a fire department who is being obstructed from performing lawful duties.

~~(9) A law enforcement agency or person that owns a law enforcement animal that is permanently disabled or killed as a result of a violation of IC 35-46-3-11.~~

SECTION 7. IC 5-2-6.1-21.1, AS AMENDED BY P.L.161-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21.1. (a) This section applies to claims filed with the division after June 30, 2009.

(b) This subsection does not apply to reimbursement for forensic and evidence gathering services provided under section 39 of this chapter.

(c) An award may not be made unless the claimant has incurred an out-of-pocket loss of at least one hundred dollars (\$100).

(d) Subject to subsections (b) and (c), the division may order the payment of compensation under this chapter for any of the following:

(1) Reasonable expenses incurred within one hundred eighty (180) days after the date of the violent crime for necessary:

(A) medical, chiropractic, hospital, dental, optometric, and ambulance services;

(B) prescription drugs; and

(c) prosthetic devices;

that do not exceed the claimant's out-of-pocket loss.

(2) Loss of income:

(A) the victim would have earned had the victim not died or been injured, if the victim was employed at the time of the violent crime; or

(B) the parent, guardian, or custodian of a victim who is less than eighteen (18) years of age incurred by taking time off from work to care for the victim.

A claimant seeking reimbursement under this subdivision must provide the division with proof of employment and current wages.

(3) Reasonable emergency shelter care expenses, not to exceed the expenses for thirty (30) days, that are incurred for the claimant or a dependent of the claimant to avoid contact with a person who committed the violent crime.

(4) Reasonable expense incurred for child care, not to exceed one thousand dollars (\$1,000), to replace child care the victim would have supplied had the victim not

died or been injured.

(5) Loss of financial support the victim would have supplied to legal dependents had the victim not died or been injured.

(6) Documented expenses incurred for funeral, burial, or cremation of the victim that do not exceed five thousand dollars (\$5,000). The division shall disburse compensation under this subdivision in accordance with guidelines adopted by the division.

(7) Outpatient mental health counseling, not to exceed three thousand dollars (\$3,000), concerning mental health issues related to the violent crime.

~~(8) As compensation for a law enforcement animal that is permanently disabled or killed as a result of a violation of IC 35-46-3-11, the cost of replacing the animal, which may include the cost of training the animal.~~

~~(9)~~ (8) Other actual expenses related to bodily injury to or the death of the victim that the division determines are reasonable.

(e) If a health care provider accepts payment from the division under this chapter, the health care provider may not require the victim to pay a copayment or an additional fee for the provision of services.

(f) A health care provider who seeks compensation from the division under this chapter may not simultaneously seek funding for services provided to a victim from any other source.

(g) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for a period not to exceed two (2) years after the date of the violent crime if:

(1) the victim or the victim's representative requests the extension; and

(2) medical records and other documentation provided by the attending medical providers indicate that an extension is appropriate.

(h) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for outpatient mental health counseling, established by subsection (d)(7), if the victim:

(1) was allegedly a victim of a sex crime (under IC 35-42-4) or incest (under IC 35-46-1-3);

(2) was under eighteen (18) years of age at the time of the alleged crime; and

(3) did not reveal the crime within two (2) years after the date of the alleged crime.

SECTION 8. IC 5-2-6.1-22, AS AMENDED BY P.L.161-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) The state is subrogated to the rights of the victim ~~or claimant~~ to whom an award is granted to the extent of the award.

(b) The subrogation rights are against the perpetrator of the crime or a person liable for the pecuniary loss.

(c) If the victim ~~or claimant~~ initiates a civil action against the perpetrator of the crime or against the person liable for the pecuniary loss, the victim ~~or claimant~~ shall promptly notify the division of the filing of the civil action.

SECTION 9. IC 5-2-6.1-23, AS AMENDED BY P.L.161-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) In addition to the subrogation rights under section 22 of this chapter, the state is entitled to a lien in the amount of the award on a recovery made by or on behalf of the victim. ~~or claimant.~~

(b) The state may:

(1) recover the amount under subsection (a) in a separate action; or

(2) intervene in an action brought by or on behalf of the victim. ~~or claimant.~~

(c) If the claimant brings the action, the claimant may deduct from the money owed to the state under the lien the state's pro rata share of the reasonable expenses for the court suit,

including attorney's fees of not more than fifteen percent (15%).

SECTION 10. IC 5-2-6.1-26, AS AMENDED BY P.L.161-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) If an application is complete, the division shall accept the application for filing and investigate the facts stated in the application.

(b) As part of the investigation, the division shall verify that:

(1) a

~~(A) violent crime or~~

~~(B) crime under IC 35-46-3-11, for purposes of compensation payable under section 12(9) of this chapter;~~

was committed;

(2) the victim was killed or suffered bodily injury as a result of the crime; ~~or, for a crime under IC 35-46-3-11, a law enforcement animal was permanently disabled or killed;~~

(3) the requirements of sections 13, 16(a), 16(b), 17, 18, and 19 of this chapter are met; and

(4) out-of-pocket loss exceeded one hundred dollars (\$100).

SECTION 11. IC 5-2-6.1-32, AS AMENDED BY P.L.161-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 32. (a) The division shall reduce an award made under this chapter by the amount of benefits received or to be received from the following sources if those benefits result from or are in any manner attributable to the bodily injury or death upon which the award is based:

(1) Benefits from public or private pension programs, including Social Security benefits.

(2) Benefits from proceeds of an insurance policy.

(3) Benefits under IC 22-3-2 through IC 22-3-6.

(4) Unemployment compensation benefits.

(5) Benefits from other public funds, including Medicaid and Medicare.

Compensation must be further reduced or denied to the extent that the claimant's loss is recouped from other collateral sources.

(b) The division shall further reduce an award under this chapter by the following:

(1) The amount of court ordered restitution actually received by the victim ~~or claimant~~ from the offender.

(2) Benefits actually received by the victim ~~or claimant~~ from a third party on behalf of the offender.

(c) The division shall determine whether the victim ~~or claimant~~ vigorously pursued recovery against available collateral sources described in this section.

(d) If the division finds that a victim ~~or claimant~~ has failed to pursue an applicable collateral source of recovery, the division shall reduce or deny an award under this section by the amount that is available to the victim ~~or claimant~~ through the collateral source.

(e) A claimant must exhaust any paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time accrued through an employer before applying for benefits. The division may not reimburse the victim ~~or claimant~~ for the use of paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time.

SECTION 12. IC 5-2-6.1-34, AS AMENDED BY P.L.161-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. (a) In determining the amount of the award, the division shall determine whether the victim ~~(or law enforcement animal, in an application described in section 12(9) of this chapter)~~ contributed to the infliction of the ~~victim's~~ injury or death.

(b) If the division finds that the victim ~~(or law enforcement animal, in an application described in section 12(9) of this chapter)~~ contributed to the infliction of the ~~victim's~~ injury or death, the division may deny an award.

(c) If the division further finds that the **victim's** contributory conduct was solely attributable to an effort to:

- (1) prevent a crime from occurring; or
- (2) apprehend a person who committed a crime;

**in the victim's presence**, the **victim's** contributory conduct does not render the victim ~~or claimant~~ ineligible for compensation."

Page 4, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 14. IC 6-8.1-10-1, AS AMENDED BY P.L.211-2007, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) If a person fails to file a return for any of the listed taxes, fails to pay the full amount of tax shown on the person's return by the due date for the return or the payment, or incurs a deficiency upon a determination by the department, the person is subject to interest on the nonpayment.

(b) The interest for a failure described in subsection (a) is the adjusted rate established by the commissioner under subsection (c), from the due date for payment. The interest applies to:

- (1) the full amount of the unpaid tax due if the person failed to file the return;
- (2) the amount of the tax that is not paid, if the person filed the return but failed to pay the full amount of tax shown on the return; or
- (3) the amount of the deficiency.

(c) The commissioner shall establish an adjusted rate of interest for a failure described in subsection (a) and for an excess tax payment on or before November 1 of each year. For purposes of subsection (b), the adjusted rate of interest shall be the percentage rounded to the nearest whole number that equals two (2) percentage points above the average investment yield on state **general fund** money for the state's previous fiscal year, excluding pension fund investments, as determined by the treasurer of state on or before October 1 of each year and reported to the commissioner. For purposes of IC 6-8.1-9-2(c), the adjusted rate of interest for an excess tax payment must be the same as the adjusted rate of interest determined under this subsection for a failure described in subsection (a). The adjusted rates of interest established under this subsection shall take effect on January 1 of the immediately succeeding year.

(d) For purposes of this section, the filing of a substantially blank or unsigned return does not constitute a return.

(e) Except as provided by IC 6-8.1-3-17(c) and IC 6-8.1-5-2, the department may not waive the interest imposed under this section.

(f) Subsections (a) through (c) do not apply to a motor carrier fuel tax return."

Page 12, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 30. IC 9-24-8-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 6: ~~In addition to any other penalty, the bureau:~~

- (1) ~~shall revoke the motorcycle learner's permit of a person who is convicted of operating a motorcycle under the influence of alcohol; and~~
- (2) ~~may not issue a motorcycle learner's permit or motorcycle endorsement to a person referred to in subdivision (1) for at least (1) year after the date of the person's conviction."~~

Page 13, delete lines 6 through 40, begin a new paragraph and insert:

"SECTION 32. IC 9-30-4-1, AS AMENDED BY P.L.85-2013, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Upon any reasonable ground appearing on the records of the bureau **and specified in rules adopted under subsection (b)**, the bureau may do the following:

- (1) Suspend or revoke the current driving privileges or driver's license of any person.

(2) Suspend or revoke the certificate of registration and license plate for any motor vehicle.

**(b) The bureau shall adopt rules under IC 4-22-2 to specify reasonable grounds for suspension or revocation permitted under subsection (a)."**

Page 15, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 35. IC 12-15-21-3, AS AMENDED BY P.L.8-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The rules adopted under section 2 of this chapter must include the following:

- (1) Providing for prior review and approval of medical services.
- (2) Specifying the method of determining the amount of reimbursement for services.
- (3) Establishing limitations that are consistent with medical necessity concerning the amount, scope, and duration of the services and supplies to be provided. The rules may contain limitations on services that are more restrictive than allowed under a provider's scope of practice (as defined in Indiana law).
- (4) Denying payment or instructing the contractor under IC 12-15-30 to deny payment to a provider for services provided to an individual or claimed to be provided to an individual if the office after investigation finds any of the following:

(A) The services claimed cannot be documented by the provider.

(B) The claims were made for services or materials determined by licensed medical staff of the office as not medically reasonable and necessary.

(c) The amount claimed for the services has been or can be paid from other sources.

(D) The services claimed were provided to a person other than the person in whose name the claim is made.

(E) The services claimed were provided to a person who was not eligible for Medicaid.

(F) The claim rises out of an act or practice prohibited by law or by rules of the secretary.

(5) Recovering payment or instructing the contractor under IC 12-15-30-3 to recover payment from a provider for services rendered to an individual or claimed to be rendered to an individual if the office after investigation finds any of the following:

(A) The services paid for cannot be documented by the provider.

(B) The amount paid for such services has been or can be paid from other sources.

(c) The services were provided to a person other than the person in whose name the claim was made and paid.

(D) The services paid for were provided to a person who was not eligible for Medicaid.

(E) The paid claim rises out of an act or practice prohibited by law or by rules of the secretary.

(6) Recovering interest due from a provider:

(A) at a rate that is the percentage rounded to the nearest whole number that equals the average investment yield on state money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report; and

(B) accruing from the date of overpayment;

on amounts paid to the provider that are in excess of the amount subsequently determined to be due the provider as a result of an audit, a reimbursement cost settlement, or a judicial or an administrative proceeding.

(7) Paying interest to providers:

(A) at a rate that is the percentage rounded to the nearest whole number that equals the average

investment yield on state **general fund** money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report; and  
(B) accruing from the date that an overpayment is erroneously recovered by the office until the office restores the overpayment to the provider.

(8) Establishing a system with the following conditions:

(A) Audits may be conducted by the office after service has been provided and before reimbursement for the service has been made.

(B) Reimbursement for services may be denied if an audit conducted under clause (A) concludes that reimbursement should be denied.

(c) Audits may be conducted by the office after service has been provided and after reimbursement has been made.

(D) Reimbursement for services may be recovered if an audit conducted under clause (c) concludes that the money reimbursed should be recovered."

Page 16, delete lines 37 through 42.

Page 17, delete lines 1 through 5.

Page 20, delete lines 18 through 21.

Page 29, delete lines 34 through 42.

Page 30, delete lines 1 through 34.

Page 31, delete lines 4 through 42.

Page 32, delete lines 1 through 23.

Page 32, delete line 42.

Delete pages 33 through 39.

Page 40, delete lines 1 through 24.

Page 42, line 10, reset in roman "one (1) of".

Page 42, line 10, reset in roman "boards,".

Page 42, line 10, delete "board,".

Page 42, delete lines 13 through 42.

Delete page 43.

Page 44, delete lines 1 through 17.

Delete pages 50 through 52.

Page 53, delete lines 1 through 3, begin a new paragraph and insert:

"SECTION 80. IC 13-23-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The board consists of the following ~~sixteen (16)~~ **nine (9)** members:

(1) The commissioner or the commissioner's designee.

~~(2) The state fire marshal or the state fire marshal's designee.~~

~~(3) The (2) One (1) member nominated by the treasurer of state or the treasurer of state's designee: in consultation with~~

~~(4) the commissioner of the department of state revenue, or the commissioner's designee.~~

~~(5) Twelve (12) individuals appointed by the governor for terms of two (2) years as follows:~~

~~(A) (3) One (1) member representing the independent petroleum wholesale distributor-marketer industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.~~

~~(B) (4) One (1) member representing the petroleum refiner-supplier industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum council.~~

~~(C) One (1) member representing the service station dealer industry who owns or operates less than thirteen (13) underground petroleum storage tanks.~~

~~(D) (5) One (1) member of the financial lending community who has experience with loan guaranty programs.~~

~~(E) (6) One (1) member representing the convenience store operator industry or independent petroleum retail distributor-marketer industry. In making this~~

**appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.**

~~(F) (7) One (1) member representing environmental interests.~~

~~(G) (8) One (1) member representing local government.~~

~~(H) Two (2) members representing the general public.~~

~~(I) One (1) member representing the independent petroleum retail distributor marketer industry who owns or operates more than twelve (12) underground petroleum storage tanks.~~

~~(J) One (1) member representing businesses that own petroleum underground storage tanks and are not engaged in the sale of petroleum.~~

~~(K) (9) One (1) member representing the property and casualty insurance industry.~~

**(b) The governor shall appoint the members specified in subsection (a)(2) through (a)(9) for terms of two (2) years.**

SECTION 81. IC 13-23-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The board must have a quorum to transact business. ~~Nine (9)~~ **Five (5)** members constitute a quorum.

(b) An affirmative vote of the majority of members present is required for the board to take action.

(c) The board shall meet upon:

(1) the request of the chairperson; or

(2) the written request of three (3) of the board's members.

(d) A meeting must be held not later than fourteen (14) days after a request is made."

Page 56, delete lines 8 through 42.

Page 57, delete lines 1 through 2.

Page 57, delete lines 31 through 42.

Page 58, delete lines 1 through 36.

Page 59, delete lines 24 through 42.

Page 60, delete lines 1 through 31.

Renumber all SECTIONS consecutively, and when so amended that said bill do pass.

(Reference is to HB 1005 as introduced and amended by the committee report of the Select Committee on Government Reduction adopted January 28, 2014.)

Committee Vote: yeas 5, nays 3.

TORR, Chair

Report adopted.

## ENGROSSED HOUSE JOINT RESOLUTION ON THIRD READING

### Engrossed House Joint Resolution 3

Representative Turner called down Engrossed House Joint Resolution 3 for third reading:

A JOINT RESOLUTION proposing an amendment to Article 1 of the Constitution of the State of Indiana by adding a new Section concerning marriage.

The joint resolution was read a third time by sections and placed upon its passage. The question was, Shall the joint resolution pass?

Roll Call 70: yeas 57, nays 40. The joint resolution was declared passed. The question was, Shall the title of the joint resolution remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the joint resolutions. Senate sponsors: Senators Kruse and Banks.

Members of the Committee on Rules and Legislative Procedures were excused: Representatives Austin, Cherry, Harris, Koch, McMillin, Pierce, Steuerwald, Torr, and Turner.

## HOUSE BILLS ON SECOND READING

### House Bill 1205

Representative Lehman called down House Bill 1205 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1205-6)

Mr. Speaker: I move that House Bill 1205 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning insurance.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2014] (a) As used in this SECTION, "funding transaction" means a nonrecourse funding transaction in which a person purchases, and a consumer of the transaction assigns to the person, a contingent right to receive an amount of the potential proceeds of a settlement, judgment, award, or verdict obtained in the consumer's civil claim or cause of action.

(b) The legislative council is urged to assign to the interim study committee on insurance established by IC 2-5-33.3-2 the topic of funding transactions, for study and recommendations to the legislative council during the 2014 interim of the general assembly.

(c) This SECTION expires January 1, 2015.

(Reference is to HB 1205 as printed January 24, 2014.)

EBERHART

Representative T. Brown rose to a point of order, citing Rule 119.1, stating that no amendment proposed to a House bill substituting therein a different subject matter may be accepted, unless accompanied by the written consent of its author and coauthors. Representative T. Brown questioned whether both the author and coauthors of House Bill 1205 had given written consent to this proposed amendment.

The Speaker ruled the point was well taken and the motion was out of order.

#### HOUSE MOTION (Amendment 1205-7)

Mr. Speaker: I move that House Bill 1205 be amended to read as follows:

Page 31, line 40, delete "twenty-five" and insert "thirty-eight".

Page 31, line 41, delete "(25%)" and insert "(38%)".

(Reference is to HB 1205 as printed January 24, 2014.)

SULLIVAN

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 71: yeas 49, nays 36. Motion prevailed.

#### HOUSE MOTION (Amendment 1205-1)

Mr. Speaker: I move that House Bill 1205 be amended to read as follows:

Page 30, delete lines 30 through 42.

Page 31, delete line 1.

Page 31, line 2, delete "4." and insert "3".

(Reference is to HB 1205 as printed January 24, 2014.)

DELANEY

Motion prevailed. The bill was ordered engrossed.

### House Bill 1253

Representative Zent called down House Bill 1253 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1253-1)

Mr. Speaker: I move that House Bill 1253 be amended to read as follows:

Page 2, line 32, delete "governor:" and insert "state health commissioner:".

(Reference is to HB 1253 as printed January 24, 2014.)

ZENT

Motion prevailed. The bill was ordered engrossed.

### House Bill 1360

Representative C. Brown called down House Bill 1360 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1360-3)

Mr. Speaker: I move that House Bill 1360 be amended to read as follows:

Page 3, line 18, reset in roman "The dean of the Indiana University School of".

Page 3, reset in roman lines 19 through 20.

Page 3, line 35, after "Indiana" insert ".".

Page 3, delete lines 36 through 40.

Page 4, delete lines 5 through 17.

Page 5, line 12, reset in roman "and".

Page 5, line 13, delete "and".

Page 5, delete line 14.

Page 5, line 20, delete "or an addiction counselor".

Page 5, line 24, after "psychologists," insert "and".

Page 5, line 24, delete "nurses, and addiction counselors" and insert "nurses".

Page 6, line 21, reset in roman "or".

Page 6, line 22, delete "or addiction counselor,".

Page 8, line 14, delete "priority" and insert "due consideration".

(Reference is to HB 1360 as printed January 24, 2014.)

C. BROWN

Motion prevailed.

#### HOUSE MOTION (Amendment 1360-1)

Mr. Speaker: I move that House Bill 1360 be amended to read as follows:

Page 1, delete lines 1 through 15.

Delete page 2.

Page 3, delete line 1.

Renummer all SECTIONS consecutively.

(Reference is to HB 1360 as printed January 24, 2014.)

T. BROWN

Motion prevailed. The bill was ordered engrossed.

Members of the Committee on Rules and Legislative Procedures, who had been excused, were present: Representatives Austin, Cherry, Harris, Koch, McMillin, Pierce, Steuerwald, Torr, and Turner.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1003

Representative Braun called down Engrossed House Bill 1003 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 72: yeas 90, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Smith.

The Speaker yielded the gavel to the Deputy Speaker Pro

Tempore, Representative Lehman.

### **Engrossed House Bill 1006**

Pursuant to House Rule 146.3, the author of Engrossed House Bill 1006, Representative Steuerwald, granted consent to the coauthor, Representative McMillin, to call the bill down for third reading. Representative McMillin called down Engrossed House Bill 1006 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedures.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 73: yeas 90, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele and M. Young.

### **Engrossed House Bill 1035**

Representative Braun called down Engrossed House Bill 1035 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 74: yeas 93, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Charbonneau.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

Representative Steuerwald was excused for the rest of the day.

### **Engrossed House Bill 1036**

Representative Mahan called down Engrossed House Bill 1036 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 75: yeas 71, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Walker, Taylor and Holdman.

### **Engrossed House Bill 1061**

Representative Frizzell called down Engrossed House Bill 1061 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 76: yeas 90, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Leising and Breaux.

### **Engrossed House Bill 1070**

Representative Mayfield called down Engrossed House Bill 1070 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 77: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator M. Young.

### **Engrossed House Bill 1114**

Pursuant to House Rule 146.3, the author of Engrossed House Bill 1114, Representative Davisson, granted consent to the coauthor, Representative Zent, to call the bill down for third reading. Representative Zent called down Engrossed House Bill 1114 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 78: yeas 86, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Grooms.

### **Engrossed House Bill 1116**

Representative Dermody called down Engrossed House Bill 1116 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 79: yeas 91, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Yoder.

Representative Pelath and Speaker Bosma were excused.

### **Engrossed House Bill 1134**

Representative VanDenburgh called down Engrossed House Bill 1134 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 80: yeas 84, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Zakas and Tallian.

Representative Pelath and Speaker Bosma, who had been excused, were present.

### **Engrossed House Bill 1143**

Representative Wolkins called down Engrossed House Bill 1143 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 81: yeas 68, nays 28. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Charbonneau.

#### **Engrossed House Bill 1170**

Representative Kersey called down Engrossed House Bill 1170 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 82: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Boots and Skinner.

Representative T. Brown was excused.

#### **Engrossed House Bill 1198**

Representative Heuer called down Engrossed House Bill 1198 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 83: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Holdman.

Representative Harman was excused.

#### **Engrossed House Bill 1217**

Pursuant to House Rule 146.3, the author of Engrossed House Bill 1217, Representative Davisson, granted consent to the coauthor, Representative Lehe, to call the bill down for third reading. Representative Lehe called down Engrossed House Bill 1217 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 84: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Yoder.

#### **Engrossed House Bill 1219**

Representative Cherry called down Engrossed House Bill 1219 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 85: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss, Arnold and Crider.

#### **Engrossed House Bill 1224**

Representative DeVon called down Engrossed House Bill 1224 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 86: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Holdman.

#### **Engrossed House Bill 1233**

Representative Thompson called down Engrossed House Bill 1233 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 87: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse, Broden, and Yoder.

Representative Harman, who had been excused, was present.

#### **Engrossed House Bill 1235**

Representative Riecken called down Engrossed House Bill 1235 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 88: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Holdman and Taylor.

#### **Engrossed House Bill 1237**

Representative Soliday called down Engrossed House Bill 1237 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 89: yeas 65, nays 29. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Arnold.

#### **Engrossed House Bill 1241**

Representative Carbaugh called down Engrossed House Bill 1241 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 90: yeas 57, nays 36. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Holdman.

Representative Torr was excused.

**Engrossed House Bill 1242**

Representative Carbaugh called down Engrossed House Bill 1242 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 91: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Banks.

Representative Torr, who had been excused, was present.

**Engrossed House Bill 1245**

Representative Heaton called down Engrossed House Bill 1245 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 92: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Holdman.

**Engrossed House Bill 1246**

Representative Carbaugh called down Engrossed House Bill 1246 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 93: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Broden.

**Engrossed House Bill 1258**

Representative Shackelford called down Engrossed House Bill 1258 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 94: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Pat Miller, Becker, Breaux, and Taylor.

**Engrossed House Bill 1268**

Pursuant to House Rule 146.3, the author of Engrossed House Bill 1268, Representative Steuerwald, granted consent to the coauthor, Representative McMillin, to call the bill down for third reading. Representative McMillin called down Engrossed House Bill 1268 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 95: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators M. Young and Steele.

Representative Wolkins was excused.

**Engrossed House Bill 1269**

Pursuant to House Rule 146.3, the author of Engrossed House Bill 1269, Representative Steuerwald, granted consent to the coauthor, Representative McMillin, to call the bill down for third reading. Representative McMillin called down Engrossed House Bill 1269 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedures.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 96: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators M. Young and Steele.

Representative Wolkins, who had been excused, was present.

**Engrossed House Bill 1286**

Representative Sullivan called down Engrossed House Bill 1286 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 97: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Arnold.

**Engrossed House Bill 1332**

Representative Messmer called down Engrossed House Bill 1332 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 98: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Yoder and Lanane.

**Engrossed House Bill 1346**

Representative Leonard called down Engrossed House Bill 1346 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 99: yeas 65, nays 28. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Boots and Kruse.

**Engrossed House Bill 1351**

Representative McMillin called down Engrossed House Bill 1351 for third reading:

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 100: yeas 71, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators M. Young and Yoder.

**Engrossed House Bill 1358**

Representative C. Brown called down Engrossed House Bill 1358 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 101: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Pat Miller and Breaux.

**Engrossed House Bill 1361**

Representative Morrison called down Engrossed House Bill 1361 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 102: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Banks and Kenley.

**Engrossed House Bill 1378**

Representative Cox called down Engrossed House Bill 1378 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 103: yeas 91, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Zakas.

**Engrossed House Bill 1385**

Representative Speedy called down Engrossed House Bill 1385 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 104: yeas 87, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Schneider.

**OTHER BUSINESS ON THE SPEAKER'S TABLE****MESSAGE FROM THE SENATE**

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 15 and the same is herewith returned to the House.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

**MESSAGE FROM THE SENATE**

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 12 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

**HOUSE MOTION**

Mr. Speaker: I move that Representative Macer be added as coauthor of House Bill 1003.

BRAUN

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representatives Candelaria Reardon and Morris be added as coauthors of House Bill 1035.

BRAUN

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1036.

MAHAN

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representatives Ober and Cox be added as coauthors of House Bill 1039.

LEHMAN

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representative Turner be added as coauthor of House Bill 1046.

CHERRY

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representatives Clere and Bacon be added as coauthors of House Bill 1051.

ERRINGTON

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1064.

MCNAMARA

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representative Steuerwald be added as coauthor of House Bill 1068.

SOLIDAY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Negele be added as coauthor of House Bill 1162.

BRAUN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Clere, Bacon and Shackleford be added as coauthors of House Bill 1190.

SLAGER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Battles be added as coauthor of House Bill 1204.

HUSTON

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Harris be added as coauthor of House Bill 1236.

ERRINGTON

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Dermody, McNamara and Pelath be added as coauthors of House Bill 1290.

BACON

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Koch and McMillin be added as coauthors of House Bill 1305.

VANNATTER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Davisson be added as coauthor of House Bill 1332.

MESSMER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Cherry be added as coauthor of House Bill 1340.

HUSTON

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Hamm be added as coauthor of House Bill 1346.

LEONARD

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Clere, Porter and Frizzell be added as coauthors of House Bill 1358.

C. BROWN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be added as

coauthor of House Concurrent Resolution 7.

COX

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Shackleford, Summers, Kersey and DeLaney be added as coauthors of House Resolution 7.

PRYOR

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative DeLaney be added as coauthor of House Resolution 8.

PRYOR

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Behning, Beumer, Braun, T. Brown, Burton, Cherry, Clere, Culver, DeVon, Dermody, Eberhart, Friend, Frizzell, Frye, Gutwein, Hamm, Harman, Heuer, Karickhoff, Koch, Lehe, Lutz, McMillin, Messmer, Morrison, Neese, Negele, Niemeyer, Rhoads, Slager, Smaltz, M. Smith, Soliday, Speedy, Steuerwald, Thompson, Torr, Turner, Ubelhor, Wesco and Ziemke be added as coauthors of House Concurrent Resolution 10.

MAHAN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Huston and Klinker be added as coauthors of House Bill 1003.

BRAUN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Riecken, be added as coauthors of House Bill 1036.

MAHAN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Forestal and Lawson be added as coauthors of House Bill 1036.

MAHAN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Heaton and Battles be added as coauthors of House Bill 1052.

MESSMER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Shackleford be added as coauthors of House Bill 1061.

FRIZZELL

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Austin be added as coauthor of House Bill 1205.

LEHMAN

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Price be added as coauthor of House Bill 1216.

TRUITT

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Battles, Klinker and Friend be added as coauthors of House Bill 1219.

CHERRY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Kubacki be added as coauthor of House Bill 1248.

SMALTZ

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Davisson, Lucas and V. Smith be added as coauthors of House Bill 1323.

OBER

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Gutwein be removed as author of House Bill 1231, Representative Carbaugh be removed as coauthor, that Representative Carbaugh be added as author and Representatives Cherry, Niezgodski and Gutwein be added as coauthors of House Bill 1231.

GUTWEIN

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Huston be added as coauthor of House Bill 1319.

BEHNING

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Huston be added as coauthor of House Bill 1321.

BEHNING

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Dermody be added as coauthor of House Bill 1332.

MESSMER

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Austin be added as coauthor of House Bill 1338.

DERMODY

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Morris be added as coauthor of House Bill 1346.

LEONARD

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Lucas, Morris and VanNatter be added as coauthors of House Bill 1351.

MCMILLIN

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors, and that Representatives Speedy, Messmer, Koch, Culver, Neese, Harman, Frye, Ober, Kubacki, Huston, Smaltz, Rhoads, Devon, Mahan, Turner, Braun, Burton and Ubelhor be added as coauthors of House Bill 1351.

MCMILLIN

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors, and that Representatives Frye, Heaton, Lehe and Lehman be added as coauthors of House Joint Resolution 3.

TURNER

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Arnold, Austin, Bacon, Bartlett, Battles, Bauer, Behning, Beumer, Braun, C. Brown, Burton, Candelaria Reardon, Carbaugh, Cherry, Clere, Cox, Culver, DeLaney, Dermody, DeVon, Dvorak, Eberhart, Errington, Friend, Frizzell, Frye, GiaQuinta, Gutwein, Hale, Hamm, Harman, Harris, Heaton, Heuer, Huston, Karickhoff, Kersey, Kirchhofer, Klinker, Koch, Kubacki, L. Lawson, Lehe, Lehman, Leonard, Lucas, Lutz, Macer, Mahan, Mayfield, McMillin, McNamara, Messmer, Moed, Morris, Morrison, Moseley, Neese, Negele, Niemeyer, Niezgodski, Ober, Pelath, Pierce, Porter, Price, Pryor, Rhoads, Richardson, Riecken, Saunders, Shackelford, Slager, Smaltz, M. Smith, V. Smith, Soliday, Speedy, Sullivan, Summers, Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh, VanNatter, Washburne, Wesco, Wolkins, Zent, and Ziemke be added as coauthors of House Concurrent Resolution 3.

HEATON

Motion prevailed.

On the motion of Representative Dvorak, the House adjourned at 7:10 p.m., this twenty-eighth day of January, 2014, until Wednesday, January 29, 2014, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives